

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

Talia N. Harrison,

Plaintiff,

v.

Tyler Technologies, Inc.,

Defendant.

Civil Action No. 4:21-cv-00607-ALM

DECLARATION OF MELINDA ARBUCKLE

My name is Melinda Arbuckle. I am over 21 years of age and the statements contained in this declaration are true and correct of my own personal knowledge. I am competent to testify concerning the statements in this declaration, which are provided in support of Plaintiff's Motion for Attorneys' Fees and Costs in the above-captioned case. I hereby declare as follows.

I. EDUCATIONAL AND PROFESSIONAL BACKGROUND

1. I am an attorney who has been licensed for in the State of Texas for approximately 11 years and licensed in the State of California for approximately 8 years. I specialize in Fair Labor Standards Act cases.

2. I am an attorney in good standing and admitted to practice law in the States of Texas and California, before the Fifth Circuit (where I have presented oral argument) and the Ninth Circuit, as well as in all federal district courts in California and Texas, District of Colorado, District of New Mexico, Western District of Arkansas, Northern District of Ohio, and Western District of Oklahoma. I have prosecuted wage and hour cases in each of those jurisdictions.

3. I earned my Juris Doctor from Southern Methodist University, Dedman School of Law, in 2011. After graduation, I worked for Baron & Budd, P.C. as an associate attorney, then

completed a clerkship with Judge W. Royal Furgeson, who was then sitting by designation in the Northern District of Texas. Afterward, I pursued my own practice litigating debt collection and family law cases in state courts in Texas before returning to work for Baron & Budd, P.C.

4. In March of 2015, I returned to Baron & Budd, P.C. to work with Allen R. Vaught in the firm's Labor and Employment Department. Mr. Vaught had developed a significant presence in labor and employment litigation, not only in the State of Texas but nationwide.

5. In September of 2019, I departed from Baron & Budd, P.C. to work at Shellist Lazarz Slobin, LLP. I was named a partner of the firm in July 2021.

6. In June of 2022, I formed my own law firm, Wage and Hour Firm, which was later joined by my partner, Ricardo J. Prieto. Attached as **Exhibit 1** to this Declaration is my resume detailing my legal experience and representative cases.

7. I have personal knowledge of matters involving representation of the Plaintiff in this action and the associated fees incurred. In addition, I am familiar with the hourly rates charged by other law firms for legal services similar to those provided by the attorneys in this action.

II. BILLING RATE

8. In 2016, while still an associate attorney, the Honorable Jane J. Boyle, sitting in the Northern District of Texas, approved my billable rate at \$295 per hour. *See Aguayo v. Bassam Odeh, Inc.*, No. 3:13-cv-2951-B, at *16 (N.D. Tex. Dec. 8, 2016). My requested rate of \$400.00 per hour is reasonable for this jurisdiction and represents a very reasonable rate increase of approximately \$15.00 per hour each year since *Aguayo*.

9. Although I typically work on a contingency basis, for billable clients I bill at a rate of \$500.00 per hour. (*See Exhibit 2*, Redacted Fee Agreement). The billing arrangement reflected in the Exhibit was for work performed in federal court in the Southern District of Texas. Still, I

will only seek a fee of \$400.00 per hour worked in this case. I am submitting as **Exhibit 3** a summary of attorneys' fee awards in the federal district courts in the state of Texas for the 2022 year, which demonstrates that my billing rate, and the billing rates sought by my co-counsel, are in line with those awarded in the community.

III. TIME AND LABOR REQUIRED TO PROSECUTE PLAINTIFFS' CLAIMS

10. I have worked on this case from its inception, from the point of filing the complaint through settlement. Each billable event is reflected in my billing records.

11. All work completed was reasonable and necessary to obtain a favorable judgment for the Plaintiff in this case.

12. As a matter of billing judgment, I am not seeking any award for billable time spent by my paralegal in this case. This does not mean that relevant work was not delegated to such staff—it was so delegated to avoid the imposition of high legal fees with respect to predominantly administrative work. Rather, as a matter of billing judgment, my firm has elected to discount such paralegal and assistant work to the Defendant's benefit.

13. I have also carefully sifted through my billing records, removing any billing entries that were excessive or duplicative. Indeed, as local counsel I worked hard to refrain from engaging in work that was being completed by lead counsel. I also removed records of non-productive time, such as calls with the Court regarding compliance with local rules and the like.

IV. REQUESTED FEES AND LODESTAR CALCULATION

14. As shown in the attached billing records (*See Exhibit 4*), I have spent fifty-three (53) billable hours over several years working on this case. Multiplying those hours by my proposed billing rate of \$400.00 results in a reasonable fee of \$8,040.00.

15. My fees are reasonable in light of the work I completed on Plaintiff's behalf, and there is no basis for a downward reduction of fees requested herein.

16. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."

EXECUTED ON March 21, 2023 in Dallas County, Texas.

/s/Melinda Arbuckle

MELINDA ARBUCKLE

MELINDA ARBUCKLE

400 N. St. Paul St., Ste 700
Dallas, TX 75201
marbuckle@wageandhourfirm.com
214.577.0258

LEGAL EXPERIENCE

Wage and Hour Firm

Dallas, Texas

Principal, September 1, 2022 – present

- Generate and manage docket of single plaintiff and class/collective action cases; responsible for all aspects of litigation
- Sample of active cases:
 - o *Flaherty v. Kanaway Seafoods, Inc.*, No. 3:22-cv-00155 (D. Alaska) (meat packing; sleeping time case under 29 C.F.R. § 785.20)
 - o *Smith v. Jill-Est Inc.*, No. 3:22-cv-00980 (N.D. Tex.) (restaurant; 80/20)
 - o *Powell v. Tri-W Global, Inc.*, No. 6:22-cv-00112 (E.D. Tex.) (oil and gas; straight time for overtime)
 - o *Campos v. JBS USA Food Co. Holdings*, No. 1:22-cv-00744 (D. Colo.) (meat packing; donning and doffing)
 - o *Armstrong v. Chesapeake Energy Corp.*, No. 5:22-cv-00225 (W.D. Okla) (oil and gas; day rate)
 - o *Keller v. El Dorado Oil & Gas, Inc.*, No. 1:22-cv-0042 (S.D. Miss.) (oil and gas; straight time for overtime)
 - o *White v. Wood Group Mustang, Inc.*, No. 4:21-cv-03985 (S.D. Tex.) (oil and gas; per diem/regular rate)
 - o *Freeman v. Tyson Foods, Inc.*, No. 5:21-cv-05175 (W.D. Ark.) (meat packing; misclassified exempt)
 - o *Guilbeau v. Schlumberger Tech. Corp.*, No. 5:21-cv-00142 (W.D. Tex.) (oil and gas; unpaid overtime, reasonable relationship test)
 - o *Bowling v. DaVita, Inc.*, No. 1:21-cv-03033 (D. Colo.) (health care; meal and rest break)

Shellist Lazarz Slobin LLP

Houston, Texas

Partner, July 2021 – August 31, 2022

Associate Attorney, September 2019 – July 2021

- Jointly managed docket of 60-120 single plaintiff and collective actions (at a time), worked up cases from start to finish, predominantly under Fair Labor Standards Act (“FLSA”).
- Originated case for firm against Universal Protection Services, LP d/b/a Allied Universal, certified collective action of approximately 500,000 individuals notwithstanding presence of arbitration agreements.
- Obtained summary judgment on behalf of engineers in oil and gas industry. *Gentry v. Hamilton-Ryker IT Solutions, LLC*, No. 3:19-cv-00320, 2022 WL 658768 (S.D. Tex. Mar. 4, 2022).
- Defeated motion to transfer venue in sexual assault case. *Warner v. Surefox Consulting LLC*, No. 21-cv-07473-RS, 2022 WL 526489 (N.D. Cal. Feb. 22, 2022).

- Defeated motion to dismiss on behalf of directional drillers and measuring while drilling oilfield employees. *Guilbeau v. Schlumberger Tech. Corp.*, No. SA-21-CV-0142-JKP-ESC, 2022 WL 199271 (W.D. Tex. Jan. 21, 2022).
- Defeated motion to compel arbitration on behalf of allegedly misclassified independent contractors. *Oldham v. Nova Mud, Inc.*, No. 2:20-cv-1166-KWR-GBW, 2021 WL 4066691 (D. N.M. Sept. 7, 2021).
- Represented plaintiffs in a variety of industries – Recent settlements:
 - o Resolved case at mediation, confidential settlement reached on behalf of 142 oilfield workers (FLSA - Texas).
 - o Resolved case at second mediation, confidential settlement reached on behalf of 29,107 security guard employees (FLSA – California).
 - o Resolved case at mediation, confidential settlement reached on behalf of class of truck driver employees (FLSA – Arbitration).

Baron & Budd, P.C.

Dallas, Texas

Associate Attorney, March 2015 – September 2019

- Carried docket of 20-40 class and collective actions (at a time), handled from start to finish, predominantly under Fair Labor Standards Act (“FLSA”) and Worker Adjustment and Retraining Notification Act (“WARN Act”)
- Trial victory, September 27-28, 2017 – *Cruz v. Maverick County*, No. 2:14-cv-50-AM-CW pending in the Western District of Texas, Del Rio Division.
 - o Second chair at bench trial, represented class of sheriff’s deputies in an off-the-clock dispute. Finding of willfulness because Defendants had previously been investigated by Department of Labor. Direct and cross examination.
- Trial victory, August 1-7, 2018 – *Meadows v. Latshaw Drilling Co., LLC*, No. 3:15-cv-1173-N pending in the Northern District of Texas, Dallas Division.
 - o Second chair at bench trial, represented class of roughnecks in regular rate dispute. Direct examination.
- Originated case for firm with co-counsel against Spearmint Rhino chain of gentleman’s clubs. Represented class of exotic dancers allegedly misclassified as owners of limited liability companies as opposed to employees. Although case was second filed and defendant had previously settled a similar claim for independent contractor misclassification, team obtained nationwide settlement of about \$8.5 million.
- Originated minimum wage and overtime cases for firm with co-counsel against Papa John’s International, Inc. on behalf of delivery drivers and other hourly paid employees, Cornerstone Healthcare Group on behalf of nurses, and Global Distribution Services, Inc., on behalf of garage installation technicians.
- Gained extensive appellate experience – independently handled briefing of two appeals at Fifth Circuit; mentored junior associate in briefing similar appeals.
 - o Successfully defended jury verdict in FLSA case involving Motor Carrier Act exemption. *Olibas v. Barclay*, 838 F.3d 442 (5th Cir. 2016).
 - o Presented oral argument regarding the definition of “single site of employment” under the WARN Act as applied to oilfield workers, an issue of first impression, before Fifth Circuit on April 5, 2017. *Meadows v. Latshaw Drilling Co., LLC*, No. 16-10988 (5th Cir. argued Apr. 5, 2017).

- Developed expertise with Federal Arbitration Act in employment context.
 - o Avoided arbitration agreement with class action waiver through motion practice resulting in trial on limited issue of forgery in execution of e-signed dispute resolution program.
 - o Conducted 30(b)(6) deposition, fact witness depositions, defended plaintiff deposition, made analytical decisions and evaluated strength of testimony.
- Honed pre-trial skills by deposing corporate representatives, witnesses; defending dozens of party depositions; and propounding and responding to written discovery.
- Briefed all major motions for department; prevailed on summary judgment in several cases, received favorable settlements prior to judgment in dozens of cases.
- Argued in court on behalf of plaintiffs for contested discovery and motion hearings, status conferences.
- Delegated tasks and responsible for junior associate and staff meeting deadlines.
- Represented plaintiffs in a variety of industries - Recent settlements:
 - o Lead counsel, resolved case at mediation, confidential settlement reached on behalf of 478 oilfield workers (FLSA - Texas).
 - o Lead counsel, resolved case through confidential settlement on behalf of medical transcriptionists (FLSA - Texas).
 - o Second chair, certified class and settled WARN Act case on behalf of 333 former fracking field/equipment workers for \$5,782,848.33.
 - o *Williams v. Go Frac, LLC*, No. 2:15-cv-00199-JRG, 2016 WL 1907802 (E.D. Tex. Jan. 19, 2017).
 - o Second chair in confidential settlement on behalf of approximately 156,000 customer service representatives (FLSA - California).
 - o Second chair in confidential settlement reached through arbitration on behalf of 1,849 Military & Family Life Counselors (FLSA - California).

Amschler Hacker, P.C.

Addison, Texas

Contract Attorney, December 2014 – March 2015

- General litigation practice

Qureshi Arbuckle, PLLC

Dallas, Texas

Principal Attorney, 2014

- General practice focusing on representation of medical service providers

United States District Court; Northern District of Texas

Dallas, Texas

Law Clerk to Hon. W. Royal Furgeson, Jr., 2012

- Draft orders of the Court

EDUCATION

Southern Methodist University, Dedman School of Law

Dallas, Texas

Juris Doctor, May 2011

- Law Dean's Scholarship: 2008-2011

University of Texas at Dallas

Richardson, Texas

Bachelor of Arts in Arts and Technology, *magna cum laude*, May 2008

- Academic Excellence Scholarship: 2004-2008

ADMISSIONS

<i>State Bar of Texas</i>	All state and federal district courts, Fifth Circuit
<i>State Bar of California</i>	All state and federal district courts, Ninth Circuit

PUBLICATIONS AND PRESENTATIONS

David Epstein, Melinda Arbuckle & Kelly Flanagan, Contract Law's Two "P.E.'s": Promissory Estoppel and the Parol Evidence Rule, 62 Baylor L. Rev. 397 (2010).

"FMLA: Things Have Gone Wrong – How You as an Employer Can Make Them Better," When Cancer Enters the Workplace: A Seminar for Human Resource & EAP Specialists, March 21, 2018.

Contributor to FLSA Midwinter Report.

RECOGNITION

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EMPLOYMENT LAW TRIAL LAWYERS

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October 14, 2021

Via Email to:

Re: Attorney-Client Agreement - Services by SLS

Dear Mr. _____ :

As part of SHELLIST | LAZARZ | SLOBIN LLP's regular procedure in establishing a client relationship, we would like to take this opportunity to set out the specific terms of our relationship, and we request that you acknowledge your receipt and understanding of this letter by signing and returning the original to our office at your earliest convenience.

SCOPE OF ENGAGEMENT

You have requested that we represent you and your company, _____ (the "Company") in connection with matters related to

_____, and on such additional matters as you, _____, from time to time, request on an as-needed basis. To make the mechanics as smooth as possible, we will rely on your verbal requests for our services. However, we may, from time to time, desire to clarify certain representation, such as representation involving certain litigation matters, in writing.

COOPERATION

To enable us to render effectively the legal services contemplated, you agree to disclose fully and accurately all facts and keep us informed of all developments relating to this matter. We must rely on the accuracy and completeness of the facts and information you provide to us.

FEES

Our fees are based on the time spent by the lawyers, law clerks, and legal assistants who work on the matter. We will charge you for all time spent in representing the Company, including, by way of illustration, telephone and office conferences with you and/or other designees of the Company, consultants (if any), opposing counsel (if any), and others; conferences among our lawyers, law clerks, and legal assistants; factual investigation; legal research; responding to your requests for us to provide information to you; and drafting letters and other documents. Billing rates for our attorneys vary according to the experience of the individuals. Our current billing rates for those attorneys expected to work on your matter range from \$90.00 an hour for a law clerk or paralegal to \$500.00 an hour for Melinda Arbuckle to \$550.00

Client Initials

an hour for Todd Slobin. Billing rates for attorneys, law clerks, and legal assistants are, from time to time, reviewed and adjusted on a firm-wide basis. In addition, we will require an initial retainer in the amount of \$10,000.00. Where \$5,000 of fees will be deducted as they are incurred and a one-time non-refundable retainer fee of \$5,000.00 to obtain the services of Attorneys. Any unused amount from remaining retainer monies at the conclusion of our representation will be refunded to the Company. We may request that the Company replenish this retainer when it is close to getting exhausted so as to cover any additional future fees and expenses. Any replenishment of the retainer that is requested will be for a minimum of \$2,500.00 increments and may be increased subject to the nature of work that you ask us to perform.

OTHER CHARGES

In addition to fees, there will be other charges for items incident to the performance of our legal services, such as photocopying, messengers, travel expenses, long-distance telephone calls, facsimile transmissions, postage, overtime for secretaries and other non-legal staff, specialized computer applications such as computerized legal research, and filing fees. Unless special arrangements are made, fees and expenses of others (such as experts, investigators and consultants) will be the responsibility of, and billed directly to, the Company.

BILLING CYCLE

Our billing rates are based on the assumption of prompt payment. Consequently, unless other arrangements are made, fees for services and other charges will be billed monthly and are payable upon receipt. You are encouraged to review our statements and discuss any questions with us you may have concerning the level of activities and the nature of services rendered. One of the reasons we submit statements on a monthly basis is so that you will have a ready means of monitoring and controlling the expenses you are incurring. If you believe the expenses are mounting too rapidly, you should contact us immediately so that we can assist you in evaluating future alternatives. When we do not hear from you, we will assume that you approve of the overall level of activity on our part on the Company's behalf.

COST ESTIMATES

Although we may from time to time, at your request, furnish estimates of the legal fees and other charges that we anticipate will be incurred in connection with various phases of representation, please note that these estimates are by their nature inexact (due to unforeseeable circumstances) and, therefore, the actual fees and charges ultimately billed may vary from such estimates.

CONFLICTS

Our representation of the Company in this matter includes commitments by us (i) not to take a position adverse to the Company in matters for which we have been engaged as outlined in this letter or in any matter which is substantially related to our representation of the Company in this matter, and (ii) not to misuse any confidential information you or other designees of the Company may furnish us. Because of the broad base of clients which the Firm represents on a variety of legal matters, it is possible that the Company may find itself in a position adverse to another Firm client in litigation, legislative or regulatory proceedings, business negotiations, or some other legal matter unrelated to our representation of your interests in the current matter. Given that possibility, we wish to be fair not only to the Company's interests, but to those of our other clients as well. Consequently, this letter sets forth our commitment not to take a position adverse to the Company in the matter outlined in this letter or any matter which is substantially related to our representation of the Company and your agreement with respect to the areas in which the Firm is free to take such an adverse position. In representing the Company, we recognize

Client Initials

that we shall be disqualified from representing any other client directly adverse to the Company in the matters outlined in this letter or in any matter which is substantially related to our representation of the Company in this matter. Likewise, we shall be disqualified with respect to any matter where there is a reasonable probability that confidential information you and/or the Company's designee furnishes to us could be used to the Company's disadvantage.

WITHDRAWAL OR TERMINATION

Our relationship may be terminated by either of us at any time by written notice to the other. We reserve the right to withdraw from our representation if, among other things, you and/or the Company should fail to honor the terms of this engagement letter or fail to cooperate or follow our advice on a material matter, or if any fact or circumstance would, in our view, render our continuing representation unlawful, unethical, or ineffective. If we elect to withdraw for any reason, you will take all steps necessary to free us of any obligation to perform further, including the execution of any documents necessary to complete our withdrawal, and we will be entitled to be paid for all services rendered and other charges accrued on the Company's behalf to the date of withdrawal.

CLIENT DOCUMENTS

We will maintain any documents you furnish to us in our client file (or files) for this matter. At the conclusion of the matter (or earlier, if appropriate), it is your obligation to advise us as to which, if any, of the documents in our files you wish us to turn over. We will retain any remaining documents in our files for a certain period of time, generally no more than one (1) year, and ultimately destroy them in accordance with our records retention program then in effect.

OTHER

If the foregoing correctly reflects your understanding of the terms and conditions of our representation of the Company, please so indicate by executing this letter in the space provided below, and returning same to us, along with your retainer payment of \$10,000.00.

Please do not hesitate to contact me if you have any questions. We are pleased to have this opportunity to be of service, and we look forward to working with you.

This Agreement signed by Attorneys in Houston, Harris County, Texas, on _____, 2021.

SHELLIST | LAZARZ | SLOBIN LLP
a Texas Professional Corporation,
the sole General Partner

By: _____
Todd Slobin

Client Initials

7

Title: PRESIDENT

Address: _____

Phone No.: _____

Tax I.D. No.: _____

Client Initials

East Texas



EXHIBIT 3

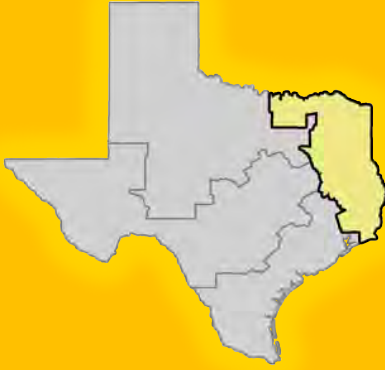


EDTX[†] summary of rates listed: high to low

\$1,149.09 to \$253.84

Rate	Name / JD Year	Rate	Name / JD Year
\$1,149.09*	Alan J. Robin (JD 1975)	\$503.68*	Joseph L. Lanza (JD 1992)
\$908.54*	Douglas E. Hamel (JD 1976)	\$481.91*	Rebecca Predovan (JD 2009)
\$908.54*	W. Carl Jordan (JD 1974)	\$462.83*	John Werner (JD 1993)
\$841.24*	Gwen J. Samora (JD 1992)	\$456.91*	Jim Sanford (JD 2005)
\$835.00*	Carrie B. Hoffman (JD 1993)	\$450.91*	Michelle Mahony (JD 1997)
\$672.99*	Vanessa Griffith (JD 1994)	\$447.72*	Seth Grove (JD 2009)
\$659.98*	Laura Reasons (JD 2007)	\$440.00*	Brooke Bahlinger (JD 2019)
\$657.95*	Gabrielle Wirth (JD 1982)	\$434.06*	Marina Lyons (JD 2013)
\$639.34*	Tara Porterfield (JD 1996)	\$433.90*	Corinna Chandler (JD 2009)
\$639.34*	Christopher V. Bacon (JD 1990)	\$433.90*	Julia C. Hatcher (JD 1997)
\$621.82*	Marc S. Hepworth (JD 1998)	\$411.22*	Christopher Willett (JD 2009)
\$621.82*	Gregg I. Shavitz (JD 1994)	\$404.98*	Mark Frasher (JD 1996)
\$621.82*	David A. Roth (JD 1991)	\$391.75*	David Bergen (JD 2015)
\$621.82*	Charles Gershbaum (JD 1990)	\$391.75*	Olivia C. Mallery (JD 2015)
\$598.55*	Aaron Goldstein (JD 2003)	\$380.76*	Shana Khader (JD 2011)
\$595.00*	Andrew S. Golub (JD 1991)	\$376.88*	Corey E. Devine (JD 2006)
\$570.00*	Alan Quiles (JD 1995)	\$362.73*	Timothy D. Craig (JD 2003)
\$570.00*	Christine M. Duignan (JD 1991)	\$342.00*	Janine Kapp (JD 2015)
\$549.61*	Trey Branham (JD 1999)	\$342.00*	Logan A. Pardell (JD 2015)
\$538.91*	Camar R. Jones (JD 2003)	\$342.00*	Joshua Cittadino (JD 2014)
\$538.39*	Tim Garrigan (JD 1983)	\$329.99*	Stephanie Gharakhanian (JD 2013)
\$518.18*	Paolo Meireles (JD 2010)	\$305.73*	Megan Dixon (JD 2012)
\$513.00*	Robert G. “Bobby” Lee (JD 1993)	\$274.14*	Reema Ali (JD 2018)
\$503.68*	Charles Vethan (JD 1994)	\$253.84*	Sean Goldhammer (JD 2016)

[†] Courts note the relevant community for fees is district-wide—not by city or division. *See, e.g., Lewallen v. City of Beaumont*, 394 Fed. Appx. 38, 46 (5th Cir. 2010); *Treadway v. Otero*, No. 2:19-CV-244 [Doc. 157] at p. 9 (S.D. Tex. Oct. 6, 2020) (citing cases and concluding: “When it comes to parsing between divisions, it appears that it is the district, rather than the division, that should govern the decision.”).



Classes of the 1970s: The Rates



\$1,144.09*

Alan J. Robin
(JD 1975)

\$908.54*

Douglas E. Hamel
(JD 1976)



\$908.54*

W. Carl Jordan
(JD 1974)



Classes of the 1970s: The Work



* **Alan J. Robin (class of '75):** Mr. Robin's online biography notes that he represents clients with employee benefits issues. Although he works in Houston, he billed for work in a Lufkin race discrimination in employment case. *See McClain v. Lufkin Industries*, No. 9:97-CV-063 (Doc. 599-5) at pp. 37, 41 (E.D. Tex. Lufkin) (Amended Declaration of Christopher V. Bacon dated January 15, 2009: "Current Rate if Still Employed . . . Robin, Alan . . . \$850"). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009 (a \$294.09 difference).¹ Adjusted *only* for such inflation from the year of this testimony (2009) to the end of 2021, that \$850.00 hourly rate for Mr. Robin is \$1,144.09.

* **Douglas E. Hamel (class of '76):** Mr. Hamel's online biography notes his practice area is labor and employment law. Although he works in Houston, he billed for work in a Lufkin race discrimination in employment case. *See McClain v. Lufkin Industries*, No. 9:97-CV-063 (Doc. 599-5) at p. 38 (E.D. Tex. Lufkin) (Amended Declaration of Christopher V. Bacon dated January 15, 2009: "Last Rate Billed On This Case . . . Hamel, Douglas . . . \$675"). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009 (a \$233.54 difference).² Adjusted *only* for such inflation from the year of this testimony (2009) to the end of 2021, that \$675.00 hourly rate for Mr. Hamel is \$908.54.

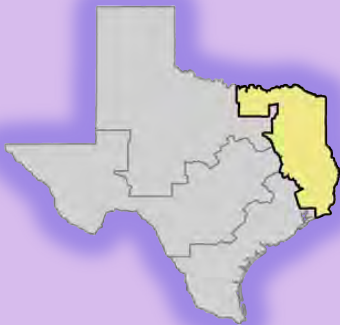
* **W. Carl Jordan (class of '74):** Mr. Jordan works in Houston. An online biography notes that "for approximately 40 years, he practiced in the field of employment and labor law . . ." He billed for work in a Lufkin race discrimination in employment case. *See McClain v. Lufkin Industries*, No. 9:97-CV-063 (Doc. 599-5) at pp. 37, 41 (E.D. Tex. Lufkin) (Amended Declaration of Christopher V. Bacon dated January 15, 2009: "Current Rate" . . . Jordan, Carl . . . \$675").

¹ <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=850>

² <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=675>

According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009 (a \$233.54 difference).³ Adjusted *only* for such inflation from the year of this testimony (2009) to the end of 2021, that \$675.00 hourly rate for Mr. Jordan is \$908.54.

³ <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=675>



Classes of the 1980s: The Rates



Gabrielle Wirth (JD 1982)

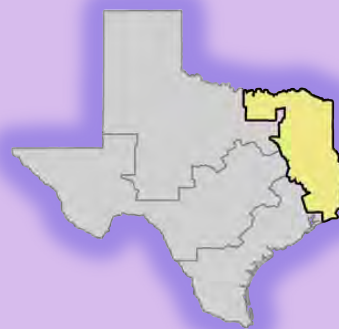
\$657.95*

Tim Garrigan (JD 1983)

\$538.39*



Classes of the 1980s: The Work



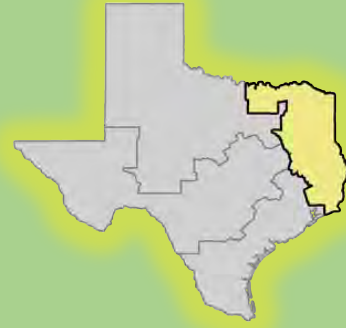
* **Gabrielle Wirth (class of '82)**: Ms. Wirth's online biography notes she has "successful trial experience in a broad range of employment disputes including wage and hour, whistleblower, wrongful termination, discrimination, harassment, retaliation, breach of contract, and trade secret/noncompetition cases . . . She also represents employers before a wide variety of state and federal agencies including the EEOC, OFCCP, state human rights agencies, the Labor Commission, the Employment Development Department and OSHA." Although she is based in California, she billed for employment law work she did in an Eastern District of Texas bankruptcy case. *See In re: Nuvectra Corp.*, No. 19-43090 (Doc. 364) at p. 3, (Doc. 364-3) at Exhibit C, p. 1, and (Doc. 364-6) at Exhibit F, pp. 46, 47 (Bankr. E.D. Tex. Sherman) (Summary of Final Fee Application of Dorsey & Whitney LLP for Allowance of Compensation and Reimbursement of Expenses as Counsel to the Debtor and Debtor in Possession for the Period November 12, 2019 through June 2, 2020) (for work such as "Conferences with J Pleitz regarding composition of individuals subject to RIF (.4); review memos regarding remote employees (.6); review revised list (.3); research state WARN act or other notice for layoff requirements (.5)" and "Revise WARN Act template and notice to agencies (.3); review updated list and complete research on requirements of other states (.7) meet with J. Pleitz regarding editing exhibit with positions for inclusion to notice to state officials (.3); respond to question regarding reserving right to claim WARN did not apply, review regulations and edit language for same (.2); meet with J. Pleitz, review new emails and finalize notices (.2)"). For that work, the "Stated Rate" was \$720.00 per hour—though her firm applied a 10% discount to \$648.00 per hour and that was the charge for work done in 2019. *See id.* On August 12, 2020, **Judge Brenda T. Rhoades** approved the request for fees. *See id.* (Doc. 386). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (a \$9.95 difference).¹ Adjusted *only* for such inflation from the year of Judge Rhoades's approval (2020) to the end of 2021, that \$648.00 hourly rate for Ms. Wirth is \$657.95.

¹ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=648>

* **Tim Garrigan (class of '83)**: Mr. Garrigan works in Nacogdoches. His practice areas include a focus on labor and employment law work. On April 2, 2009, **Judge Ron Clark** awarded a rate of \$400.00 per hour for Mr. Garrigan's work in a Lufkin race discrimination in employment case. *See McClain v. Lufkin Indus., Inc.*, No. 9:97-cv-063 (Doc. 621) at pp. 12–13 (E.D. Tex. Lufkin) (citing evidence and concluding: “The court will therefore apply a \$400/hr rate for the work performed by Mr. Garrigan”). The Fifth Circuit affirmed the fee award but reversed with instructions for the district court to consider the higher home rates of the out-of-state attorneys who worked on the case in East Texas in setting recovery of their fees. *See McClain v. Lufkin Indus., Inc.*, 649 F.3d 374, 387 (5th Cir. 2011) (“As a result, the trial court erred in failing to calculate the initial lodestar using the rates Goldstein Demchak attorneys typically charge in their own home district. The court, on remand, must reconsider the fee award using those rates as a starting point.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009 (a \$138.39 difference).² Adjusted *only* for such inflation from the date of Judge Clark's ruling (2009) to the end of 2021, that \$400.00 hourly rate for Mr. Garrigan is \$538.39.

² <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=400>

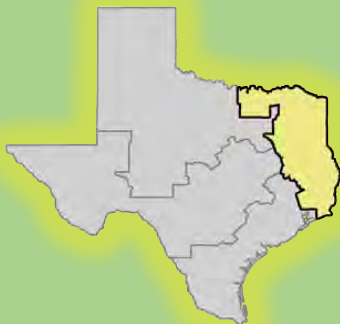
Classes of the 1990s



20 lawyers listed

\$583.64
average rate

\$582.50
median rate



Classes of the 1990s: The Rates



\$841.24*

Gwen J.
Samora
(JD 1992)



\$835.00*

Carrie B.
Hoffman
(JD 1993)



\$672.99*

Vanessa
Griffith
(JD 1994)



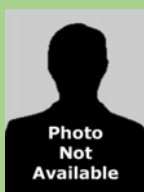
\$639.34*

Tara
Porterfield
(JD 1996)



\$639.34*

Christopher
V. Bacon
(JD 1990)



\$621.82*

Marc S.
Hepworth
(JD 1998)



\$621.82*

Gregg I.
Shavitz
(JD 1994)



\$621.82*

David A.
Roth
(JD 1991)



\$621.82*

Charles
Gershbaum
(JD 1990)



\$595.00*

Andrew S.
Golub
(JD 1991)



\$570.00*

Alan
Quiles
(JD 1995)



\$570.00*

Christine M.
Duignan
(JD 1991)



\$549.61*

Trey
Branham
(JD 1999)



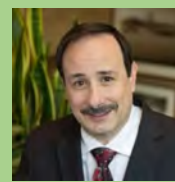
\$513.00*

Robert G.
"Bobby" Lee
(JD 1993)



\$503.68*

Charles
Vethan
(JD 1994)



\$503.68*

Joseph L.
Lanza
(JD 1992)



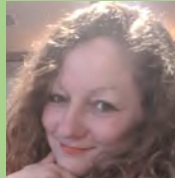
\$462.83*

John
Werner
(JD 1993)



\$450.91*

Michelle
Mahony
(JD 1997)



\$433.90*

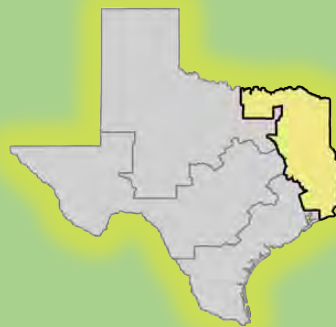
Julia C.
Hatcher
(JD 1997)



\$404.98*

Mark
Frasher
(JD 1996)

Classes of the 1990s: The Work



* **Gwen J. Samora (class of '92):** Ms. Samora works in Houston. Her online biography notes that she is an appellate specialist. In or before 2009, she worked on a Lufkin employment race discrimination case and her hourly rate for that work was \$625.00. *See McClain v. Lufkin Industries*, No. 9:97-CV-063 (Doc. 599-5) at p. 38 (E.D. Tex. Lufkin) (Amended Declaration of Christopher V. Bacon, filed on January 20, 2009: “Samora, Gwen . . . Last Rate Billed On This Case . . . \$625”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009 (a \$216.24 difference).¹ Adjusted *only* for such inflation from the year of that billed rate (2009) to the end of 2021, that \$625.00 hourly rate for Ms. Samora is \$841.24.

* **Carrie B. Hoffman (class of '93):** Ms. Hoffman works in Dallas. Her online biography states that she “represents and counsels major employers nationwide in all areas of labor and employment law across a wide range of industries including retail and hospitality.” In a Sherman bankruptcy case, her law firm has her hourly rate listed as \$835.00 for employment law work in 2021 such as, “Review employment agreement; prepare email regarding same.” *See In re: Spherature Investments LLC*, No. 20-42492 (Doc. 760) & (Doc. 760-3) at p. 1 & (760-8) at p. 128 (E.D. Tex. Bankr. Sherman) (Summary of Second Interim and Final Application of Foley & Lardner LLP, as Counsel to the Debtors, for Allowance of Compensation and Reimbursement of Expenses for Services Rendered During the Period from December 21, 2020 through November 12, 2021) (“Carrie B. Hoffman . . . Department Group, or Section . . . Labor & Employment . . . FYE 2021 Hourly Rate . . . \$835 . . .”). On January 12, 2022, **Judge Brenda T. Rhoades** granted the request for payment of these fees. *See id.* (Doc. 798).

* **Vanessa Griffith (class of '94):** Ms. Griffith works in Dallas. Her online biography states that she “represents and advises employers in all aspects of employment law, including internal client investigations.” She billed for work in a Lufkin race discrimination in employment case. *See McClain v. Lufkin*

¹ <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=625>

Industries, No. 9:97-CV-063 (Doc. 599-5) at pp. 37, 41 (E.D. Tex. Lufkin) (Amended Declaration of Christopher V. Bacon, filed on January 20, 2009: “Time Keepers Billing Under 10.00 hours . . . Griffith, Vanessa . . . Last Rate Billed . . . 390”; but that her “Current Rate” as of the date of testimony in January of 2009 was “500”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009—a \$172.99 difference from that stated rate of \$500.00 in 2009.² Adjusted *only* for such inflation from the year of that stated rate (2009) to the end of 2021, that \$500.00 hourly rate for Ms. Griffith is \$672.99.

* **Tara Porterfield (class of '96):** Ms. Porterfield works in Austin. Her online biography states that she “focuses her practice on employment litigation and counseling.” She billed for work in a Lufkin employment race discrimination case. *See McClain v. Lufkin Industries*, No. 9:97-CV-063 (Doc. 599-5) at pp. 37–38 (E.D. Tex. Lufkin) (Amended Declaration of Christopher V. Bacon, filed on January 20, 2009: “Time Keepers Billing Over 10.00 hours . . . Porterfield, Tara . . . Last Rate Billed . . . 475”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009—a \$164.34 difference from that billed rate of \$475.00 in 2009.³ Adjusted *only* for such inflation from the year of that billed rate for work in a Lufkin employment case (2009) to the end of 2021, that \$475.00 hourly rate for Ms. Porterfield is \$639.34.

* **Christopher V. Bacon (class of '90):** Mr. Bacon works in Houston. His online biography states that his “practice is primarily devoted to litigating employment matters on behalf of private employers.” He billed for work in a Lufkin employment race discrimination case. *See McClain v. Lufkin Industries*, No. 9:97-CV-063 (Doc. 599-5) at pp. 37–38 (E.D. Tex. Lufkin) (Amended Declaration of Christopher V. Bacon, filed on January 20, 2009: “Time Keepers Billing Over 10.00 hours . . . Bacon, Chris . . . Last Rate Billed . . . 475”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009—a \$164.34 difference from that billed rate of \$475.00 in 2009.⁴ Adjusted *only* for such inflation from the year of that billed rate for work in a Lufkin employment case (2009) to the end of 2021, that \$475.00 hourly rate for Mr. Bacon is \$639.34.

² <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=500>

³ <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=475>

⁴ <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=475>

* **Marc S. Hepworth (class of '98):** Mr. Hepworth works in New York. His online biography states that he “has been lead or co-lead counsel in cases across the country wherein employees have been denied their overtime wages.” On December 20, 2018, **Judge Amos Mazzant** found Mr. Hepworth’s \$600.00 hourly rate for work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, Page ID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) (requesting fees and reporting lodestar rate of \$600.00 per hour: “Marc Hepworth . . . Rate . . . \$600 . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$21.82 difference from that hourly rate of \$600.00 Judge Mazzant found reasonable in 2018.⁵ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$600.00 hourly rate for Mr. Hepworth is \$621.82.

* **Gregg I. Shavitz (class of '94):** Mr. Shavitz works in Florida. His online biography states that he “helps employees, whether it be Wage and Hour cases, or Equal Pay Act Claims, or Discrimination matters.” On December 20, 2018, **Judge Amos Mazzant** found Mr. Shavitz’s \$600.00 hourly rate for work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, Page ID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) (requesting fees and reporting lodestar rate of \$600.00 per hour: “Gregg Shavitz . . . Rate . . . \$600 . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$21.82 difference from that hourly rate of \$600.00 Judge Mazzant found reasonable in 2018.⁶ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$600.00 hourly rate for Mr. Shavitz is \$621.82.

* **David A. Roth (class of '91):** Mr. Roth works in New York. His online biography notes that he devotes about half of his practice to focusing on labor and employment law. On December 20, 2018, **Judge Amos Mazzant** found a \$600.00 hourly rate for Mr. Roth’s work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, Page ID #: 2547 (E.D.

⁵ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=600>

⁶ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=600>

Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) (requesting fees and reporting lodestar rate of \$600.00 per hour: “David Roth . . . Rate . . . \$600 . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$21.82 difference from that hourly rate of \$600.00 Judge Mazzant found reasonable in 2018.⁷ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$600.00 hourly rate for Mr. Roth is \$621.82.

* **Charles Gershbaum (class of ’90):** Mr. Gershbaum works in New York. His online biography states that he “concentrates on employment litigation, representing only the employees.” On December 20, 2018, **Judge Amos Mazzant** found Mr. Gershbaum’s \$600.00 hourly rate for work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, Page ID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) (requesting fees and reporting lodestar rate of \$600.00 per hour: “Charles Gershbaum . . . Rate . . . \$600 . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$21.82 difference from that hourly rate of \$600.00 Judge Mazzant found reasonable in 2018.⁸ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$600.00 hourly rate for Mr. Gershbaum is \$621.82.

* **Andrew S. Golub (class of ’91):** Mr. Golub works in Houston. His online biography states that “[h]is practice focuses on employment and civil rights-related counseling and litigation. On April 12, 2021, **Judge Michael J. Truncale** concluded that Mr. Golub’s requested rate of \$595.00 per hour was reasonable for work done in a Beaumont FLSA case. *See Jackson v. Mistry Hospital-ity LLC*, No. 1:19-CV-00422 (Doc. 49) at p. 3, PageID #: 233 (E.D. Tex. Beaumont) (“The Court also concludes that an hourly rate of \$595.00 is reasonable. Mr. Golub’s education, experience, and qualifications support the reasonableness of this rate.”).

⁷ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=600>

⁸ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=600>

* **Alan Quiles (class of '95):** Mr. Quiles works in Florida. His online biography states that he “focuses his practice in the area of employment law, specifically in the recovery of unpaid wages, overtime and minimum wages.” On December 20, 2018, **Judge Amos Mazzant** found a \$550.00 hourly rate for Mr. Quiles’s work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, Page ID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) (requesting fees and reporting lodestar rate of \$550.00 per hour: “Alan Quiles . . . Rate . . . \$550 . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$20.00 difference from that hourly rate of \$550.00 Judge Mazzant found reasonable in 2018.⁹ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$550.00 hourly rate for Mr. Quiles is \$570.00.

* **Christine M. Duignan (class of '91):** Ms. Duignan works in Florida. Her online biography states that she “has devoted her practice to advocating for workers’ rights.” On December 20, 2018, **Judge Amos Mazzant** found a \$550.00 hourly rate for Ms. Duignan’s work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, Page ID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) (requesting fees and reporting lodestar rate of \$550.00 per hour: “Christine Duignan . . . Rate . . . \$550 . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$20.00 difference from that hourly rate of \$550.00 Judge Mazzant found reasonable in 2018.¹⁰ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$550.00 hourly rate for Ms. Duignan is \$570.00.

* **Trey Branham (class of '99):** Ms. Branham works in Dallas. His practice areas include labor and employment law. On August 11, 2015, **Judge Amos Mazzant** ruled that \$475.00 per hour was a reasonable rate for Mr. Branham’s work in a Sherman FLSA case. *See Grimm v. Moore, et al.*, No. 4:14-CV-329 (Doc. 34) at pp. 3–4, PageID #: 622–23 (E.D. Tex. Sherman) (“Based on a declaration submitted to the Court, the attorneys seek to be compensated at the

⁹ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=550>

¹⁰ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=550>

following hourly rate: \$475 per hour for Charles Branham[.] . . . Based on their respective levels of experience, the Court finds that the hourly rates submitted in this case are reasonable.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015—a \$74.61 difference from that hourly rate of \$475.00 Judge Mazzant found reasonable in 2015.¹¹ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2015) to the end of 2021, that \$475.00 hourly rate for Mr. Branham is \$549.61.

* **Robert G. “Bobby” Lee (class of ’93):** Mr. Lee now works in Houston but previously worked in North Texas. He is a labor and employment law specialist. On April 24, 2018, **Judge Amos Mazzant** ruled that Mr. Lee’s request for fees was reasonable in a Sherman FLSA case. *See Cole v. Wilcox, MD PA*, No. 4:17-CV-00367 (Doc. 18) at p. 3, PageID #: 111 (E.D. Tex. Sherman) (“After reviewing Plaintiff’s motion, the Court finds that Plaintiff’s request is reasonable and should be granted.”). That request was based on an hourly rate of \$495.00 per hour for Mr. Lee’s work in that Sherman FLSA case. *See id.* (Doc. 16) at p. 1, ¶ 2, PageID #: 84 (Plaintiff’s Amended Application for Attorneys’ Fees and Costs and Brief in Support: “The reasonable fee Plaintiff requests is \$7,101.00. This is based on an hourly rate of \$495.00 for Robert (Bobby) Lee[.] . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—an \$18.00 difference from that hourly rate of \$495.00 Judge Mazzant found reasonable in 2018.¹² Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$495.00 hourly rate for Mr. Lee is \$513.00.

* **Charles Vethan (class of ’94):** Mr. Vethan works in Houston. His online biography notes that he is a civil trial specialist. On October 13, 2016, **Judge Louis Guirola, Jr.**, approved a rate of \$450.00 per hour for Mr. Vethan’s work in a Sherman FLSA case. *See Vassallo v. Goodman Networks, Inc.*, No. 4:15-CV-97 (Doc. 144) at pp. 11–12, PageID #: 2612–13 (E.D. Tex. Sherman) (“Mr. Lanza and Mr. Vethan billed their time at a rate of \$450 per hour, while Mr. Grove, Mr. Colvin, and Mr. Walker billed their time at a rate of \$400 per hour. Mr. Singhe billed his time at \$275 per hour, and Mr. Bergen, Mr. Peterson, and Ms. Mallary billed their time at a rate of \$350 per hour. . . . The Court finds that the attorneys’ proposed rates, which range from \$275 per hour to \$450 per hour, should be approved by this Court.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016—an \$53.68 difference from

¹¹ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=475>

¹² <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=495>

that hourly rate of \$450.00 Judge Guirola found reasonable in 2016.¹³ Adjusted *only* for such inflation from the year of Judge Guirola's finding (2016) to the end of 2021, that \$450.00 hourly rate for Mr. Vethan is \$503.68.

* **Joseph L. Lanza (class of '92):** Mr. Lanza works in San Antonio. His online biography states that he "litigates cases ranging from the enforcement of non-competition provisions in contracts, misappropriation of trade secrets, breaches of contract and fiduciary duties, and patent and trademark infringement." On October 13, 2016, **Judge Louis Guirola, Jr.**, approved a rate of \$450.00 per hour for Mr. Lanza's work in a Sherman FLSA case. *See Vassallo v. Goodman Networks, Inc.*, No. 4:15-CV-97 (Doc. 144) at pp. 11–12, PageID #: 2612–13 (E.D. Tex. Sherman) (Judge Louis Guirola, Jr.) ("Mr. Lanza and Mr. Vethan billed their time at a rate of \$450 per hour, while Mr. Grove, Mr. Colvin, and Mr. Walker billed their time at a rate of \$400 per hour. Mr. Singhe billed his time at \$275 per hour, and Mr. Bergen, Mr. Peterson, and Ms. Mallary billed their time at a rate of \$350 per hour. . . . The Court finds that the attorneys' proposed rates, which range from \$275 per hour to \$450 per hour, should be approved by this Court."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016—an \$53.68 difference from that hourly rate of \$450.00 Judge Guirola found reasonable in 2016.¹⁴ Adjusted *only* for such inflation from the year of Judge Guirola's finding (2016) to the end of 2021, that \$450.00 hourly rate for Mr. Lanza is \$503.68.

* **John Werner (class of '93):** Mr. Werner works in Beaumont. His practice areas include labor and employment law. On September 2, 2015, **Judge Ron Clark** awarded Mr. Werner's firm attorneys' fees in a Beaumont FLSA case—the amount **Magistrate Judge Keith F. Giblin** recommended on August 12, 2015. *See Rivera v. Evergreen Fabrication & Indus. Servs., Inc.*, No 1:14-cv-76 (Doc. 14) at pp. 1–2, PageID #: 237–38 (E.D. Tex. Beaumont) ("Pursuant to Judge Giblin's recommendation, the Court awards damages in the amount of \$8,460.00; \$3,970.00 in attorneys' fees[.] . . ."); *id.* (Doc. 13) at p. 13, PageID #: 236 ("The undersigned further recommends that the Court enter judgment in favor of the plaintiff and assess judgment against the defendant. The judgment should award the plaintiff \$8,460.00 in damages, \$3,970.00 in attorneys' fees . . ."). The recommendation was for the full amount of fees requested, which was calculated using an hourly rate of \$400.00 for Mr. Werner's work. *See id.* (Doc. 9) at p. 6, PageID #: 57 (Plaintiff's Motion for Default Judgment: "Multiplying the total number of hours expended in this matter by the hourly rates of the undersigned counsel,

¹³ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=450>

¹⁴ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=450>

Plaintiff is entitled to reasonable and necessary attorney fees in the amount of \$3,970, plus taxable court costs.”); *id.* (Doc. 9-1) at pp. 1–2, PageID #: 216–17 (Affidavit of Mark W. Frasher: “John Werner’s hourly rate is \$400, which rate is reasonable for a lawyer practicing in this community with the same or similar experience. . . . My total fees are \$2,730 and John Werner’s total fees are \$1,240 for a total fee of \$3,970.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015—a \$62.83 difference from that hourly rate of \$400.00 that both Judge Clark and Magistrate Judge Giblin awarded in 2015.¹⁵ Adjusted *only* for such inflation from the year of these judges’ rulings (2015) to the end of 2021, that \$400.00 hourly rate for Mr. Werner is \$462.83.

* **Michelle Mahony (class of ’97)**: Ms. Mahony works in Houston. Her online biography states that “[f]or over twenty years, Michelle has counseled and defended both large and small employers in matters covering a wide range of traditional employment and wage and hour matters.” In or before 2009 she worked on a Lufkin employment race discrimination case and her hourly rate for that work was \$335.00. *See McClain v. Lufkin Industries*, No. 9:97-CV-063 (Doc. 599-5) at p. 38 (E.D. Tex. Lufkin) (Amended Declaration of Christopher V. Bacon, filed on January 20, 2009: “Timekeepers Billing Over 10.00 hours . . . Mahoney, Mary [sic] . . . Last Rate Billed On This Case . . . \$335”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009—a \$115.91 difference from that billed rate of \$335.00 in 2009.¹⁶ Adjusted *only* for such inflation from the year of that stated rate (2009) to the end of 2021, that \$335.00 hourly rate for Ms. Mahoney is \$450.91.

* **Julia C. Hatcher (class of ’97)**: Ms. Hatcher works in Galveston. Her online biography notes that she has a general practice that also includes litigating employment discrimination. On March 17, 2015, **Judge Ron Clark** awarded her requested hourly rate of \$375.00 for work she did in a Lufkin employment discrimination case. *See Combs v. City of Huntington, Texas*, No. 9:12-cv-00210 (Doc. 101) at pp. 5–6, Page ID #: 780–81 (E.D. Tex. Lufkin) (“Plaintiff’s motion for attorney’s fees requests an hourly rate for Ms. Hatcher of \$375[.] . . . Defendant submitted no contravening evidence about prevailing local rates. Accordingly, given Ms. Hatcher’s affidavit about her own experience and the court’s observations of Ms. Hatcher’s ability in trial, without intending to set any precedent, Mr. Garrigan’s affidavit supports Ms. Hatcher’s requested hourly fee of \$375 per hour.”), *vacated and remanded on other grounds*, No. 15-40436 (5th Cir. July 15,

¹⁵ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=400>

¹⁶ <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=335>

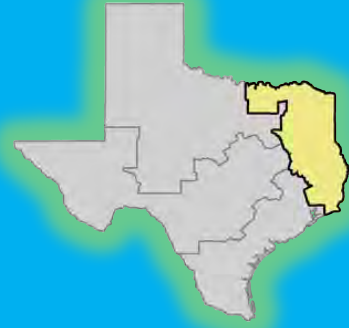
2016). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015—a \$58.90 difference from Judge Clark’s award of \$375.00 per hour in 2015.¹⁷ Adjusted *only* for such inflation from the year of Judge Clark’s ruling (2015) to the end of 2021, that \$375.00 hourly rate for Ms. Hatcher is \$433.90.

* **Mark Frasher (class of ’96)**: Mr. Frasher works in Beaumont. His practice areas include labor and employment law. On September 2, 2015, **Judge Ron Clark** awarded Mr. Frasher’s firm attorneys’ fees in a Beaumont FLSA case—the amount **Magistrate Judge Keith F. Giblin** recommended on August 12, 2015. *See Rivera v. Evergreen Fabrication & Indus. Servs., Inc.*, No 1:14-cv-76 (Doc. 14) at pp. 1–2, PageID #: 237–38 (E.D. Tex. Beaumont) (“Pursuant to Judge Giblin’s recommendation, the Court awards damages in the amount of \$8,460.00; \$3,970.00 in attorneys’ fees . . .”); *id.* (Doc. 13) at p. 13, PageID #: 236 (“The undersigned further recommends that the Court enter judgment in favor of the plaintiff and assess judgment against the defendant. The judgment should award the plaintiff \$8,460.00 in damages, \$3,970.00 in attorneys’ fees . . .”). The recommendation was for the full amount of fees requested, which was calculated using an hourly rate of \$350.00 for Mr. Frasher’s work. *See id.* (Doc. 9) at p. 6, PageID #: 57 (Plaintiff’s Motion for Default Judgment: “Multiplying the total number of hours expended in this matter by the hourly rates of the undersigned counsel, Plaintiff is entitled to reasonable and necessary attorney fees in the amount of \$3,970, plus taxable court costs.”); *id.* (Doc. 9-1) at p. 1, PageID #: 216 (Affidavit of Mark W. Frasher: “My hourly rate in this matter is \$350, which rate is reasonable for a lawyer practicing in this community with the same or similar experience. . . . My total fees are \$2,730 and John Werner’s total fees are \$1,240 for a total fee of \$3,970.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015—a \$54.98 difference from that hourly rate of \$350.00 that both Judge Clark and Magistrate Judge Giblin awarded in 2015.¹⁸ Adjusted *only* for such inflation from the year of these judges’ rulings (2015) to the end of 2021, that \$350.00 hourly rate for Mr. Frasher is \$404.98.

¹⁷ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=375>

¹⁸ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=350>

Classes of the 2000s



10

lawyers listed

\$476.87

average rate

\$452.32

median rate



Classes of the 2000s: The Rates



\$659.98*

Laura
Reasons
(JD 2007)



\$447.72*

Seth
Grove
(JD 2009)



\$598.55*

Aaron
Goldstein
(JD 2003)



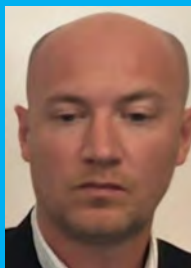
\$433.90*

Corinna
Chandler
(JD 2009)



\$538.91*

Camar R.
Jones
(JD 2003)



\$411.22*

Christopher
Willett
(JD 2009)



\$481.91*

Rebecca
Predovan
(JD 2009)



\$376.88*

Corey E.
Devine
(JD 2006)



\$456.91*

Jim
Sanford
(JD 2005)



\$362.73*

Timothy D.
Craig
(JD 2003)

Classes of the 2000s: The Work



* **Laura Reasons (class of '07)**: Ms. Reasons works in Chicago. Her online biography states that she “focuses her practice on wage and hour class and collective actions across the country arising under the Fair Labor Standards Act and state laws.” On June 16, 2020, **Judge Robert W. Schroeder III** ruled that Ms. Reasons’s hourly rate of \$650.00 per hour was reasonable for work she did in a Texarkana FLSA case. *See Waggoner v. VSE Corp.*, No. 5:18-cv-00058 (Doc. 155) at p. 14, PageID #: 2608 (E.D. Tex. Texarkana) (“The Court finds the hourly rates reported by Plaintiffs’ counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community and the specific facts of this case. . . . Laura Reasons performed a large percentage of the work performed by lawyers at the rate of \$650 per hour.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020—a \$9.98 difference from that hourly rate of \$650.00 that Judge Schroeder found was reasonable in 2020.¹ Adjusted *only* for such inflation from the year of Judge Schroeder’s finding (2020) to the end of 2021, that \$650.00 hourly rate for Ms. Reasons is \$659.98.

* **Aaron Goldstein (class of '03)**: Mr. Goldstein works in Seattle. His online biography states that he “advises businesses and provides litigation expertise on all employment and trade secret related matters, from non-competition agreements and data theft, to discrimination and harassment claims under Oregon, Washington, and federal law.” He billed for employment law work he did in an Eastern District of Texas bankruptcy case. *See In re: Nuvectra Corp.*, No. 19-43090 (Doc. 364) at p. 3, (Doc. 364-3) at Exhibit C, p. 1, and (Doc. 364-6) at Exhibit F, pp. 2, 45, 46, 48 (Bankr. E.D. Tex. Sherman) (Summary of Final Fee Application of Dorsey & Whitney LLP for Allowance of Compensation and Reimbursement of Expenses as Counsel to the Debtor and Debtor in Possession for the Period November 12, 2019 through June 2, 2020) (for work such as “Review correspondence from L. Kalesnik, analyze various WARN Act issue, and correspond with L. Kalesnik regarding same” and “Continue researching and analyzing federal WARN Act issues (1.4); review correspondence from B. Schmidt regarding

¹ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=650>

new facts relevant to analysis (.3); analyze proposed reduction in force in light of same (.7); draft memorandum regarding WARN Act analysis (1.3)” and “Correspond with case team multiple times regarding strategy for WARN Act and related issues (.5); confer with B. Schmidt regarding outstanding facts necessary before providing a comprehensive WARN Act analysis (.8); analyze overall strategy in light of information from case team (1.2)” and “Research WARN Act constructive discharge issues related to contemplated reduction in force (.7); correspond with case team regarding same (.3); review WARN Act resources and correspond with case team regarding same (.4)” and “Analyze and research multiple WARN Act issues related to release agreement and possible exceptions to WARN Act application”). For that work, the “Stated Rate” was \$595.00 per hour—though his firm said it applied a 10% discount to arrive at “\$589.50” [which is not actually a 10% discount] and that was the charge for work done in 2019. *See id.* (Doc. 364) at p. 3. On August 12, 2020, Judge Brenda T. Rhoades approved the request for fees. *See id.* (Doc. 386). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020—a \$9.05 difference from that hourly rate of \$589.50 that was a part of the fees Judge Rhoades approved in 2020.² Adjusted *only* for such inflation from the year of Judge Rhoades’s fee award (2020) to the end of 2021, that \$589.50 hourly rate for Mr. Goldstein is \$598.55.

* **Camar R. Jones (class of ’03):** Mr. Jones works in Florida. His online biography states that he “has extensive experience representing employees who have been the victims of overtime and minimum wage violations, as well as discrimination, harassment, wrongful termination, and retaliation.” On December 20, 2018, Judge Amos Mazzant determined Mr. Jones’s \$520.00 hourly rate for work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, PageID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) (requesting fees and reporting lodestar rate of \$520.00 per hour: “Camar Jones . . . Rate . . . \$520 . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—an \$18.91 difference from that hourly rate of \$520.00 that Judge Mazzant found reasonable in 2018.³ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$520.00 hourly rate for Mr. Jones is \$538.91.

² <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=589.50>

³ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=520>

* **Rebecca Predovan (class of '09)**: Ms. Predovan works in New York. Her online biography states that she “concentrates her practice in Fair Labor Standards Act (FLSA) class action lawsuits, civil litigation, employment law, federal employment and discrimination law.” On December 20, 2018, **Judge Amos Mazzant** found Ms. Predovan’s \$465.00 hourly rate for work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, PageID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) (requesting fees and reporting lodestar rate of \$465.00 per hour: “Rebecca Predovan . . . Rate . . . \$465”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—an \$16.91 difference from that hourly rate of \$465.00 that Judge Mazzant found reasonable in 2018.⁴ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$465.00 hourly rate for Ms. Predovan is \$481.91.

* **Jim Sanford (class of '05)**: Mr. Sanford works in Dallas. His online biography notes he “counsels and advocates for clients in the area of labor and employment law.” On January 8, 2020, **Judge Amos L. Mazzant** found that \$450.00 per hour was a reasonable hourly rate for Mr. Sanford’s work in a Sherman FLSA case. *See Guzman v. GS Fire Protection, LLC*, No. 4:19-cv-00214 (Doc. 12) at p. 4, PageID #: 187 (E.D. Tex. Sherman) (“The Court also finds that the reasonable rates for Plaintiffs’ counsel are \$450/hour for James Sanford[.]”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020—a \$6.91 difference from that hourly rate of \$450.00 that Judge Mazzant found reasonable in 2020.⁵ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2020) to the end of 2021, that \$450.00 hourly rate for Mr. Sanford is \$456.91.

* **Seth Grove (class of '09)**: Mr. Grove works in San Antonio. His online biography notes that his practice areas include Fair Labor Standards Act claims. On October 13, 2016, **Judge Louis Guirola, Jr.**, approved a rate of \$400.00 per hour for Mr. Grove’s work in a Sherman FLSA case. *See Vassallo v. Goodman Networks, Inc.*, No. 4:15-CV-97 (Doc. 144) at pp. 11–12, PageID #: 2612–13 (E.D. Tex. Sherman) (“Mr. Lanza and Mr. Vethan billed their time at a rate of \$450 per hour, while Mr. Grove, Mr. Colvin, and Mr. Walker billed their time at a rate of

⁴ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=465>

⁵ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=450>

\$400 per hour. Mr. Singhe billed his time at \$275 per hour, and Mr. Bergen, Mr. Peterson, and Ms. Mallary billed their time at a rate of \$350 per hour. . . . The Court finds that the attorneys’ proposed rates, which range from \$275 per hour to \$450 per hour, should be approved by this Court.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016—a \$47.72 difference from that hourly rate of \$400.00 Judge Guirola found reasonable in 2016.⁶ Adjusted *only* for such inflation from the year of Judge Guirola’s finding (2016) to the end of 2021, that \$400.00 hourly rate for Mr. Grove is \$447.72.

* **Corinna Chandler (class of ’09):** Ms. Chandler works in Dallas and she focuses her practice on employment law. On August 11, 2015, **Judge Amos Mazzant** ruled that \$375.00 per hour was a reasonable rate for Ms. Chandler’s work in a Sherman FLSA case. *See Grimm v. Moore, et al.*, No. 4:14-CV-329 (Doc. 34) at pp. 3–4, PageID #: 622–23 (E.D. Tex. Sherman) (“Based on a declaration submitted to the Court, the attorneys seek to be compensated at the following hourly rate . . . \$375 per hour for Corinna Chandler. . . . Based on their respective levels of experience, the Court finds that the hourly rates submitted in this case are reasonable.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015—a \$58.90 difference from that hourly rate of \$375.00 Judge Mazzant found reasonable in 2015.⁷ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2015) to the end of 2021, that \$375.00 hourly rate for Ms. Chandler is \$433.90.

* **Christopher Willett (class of ’09):** Mr. Willett works in Austin. On June 10, 2020, **Judge Amos L. Mazzant** awarded fees for work Mr. Willett did in a Sherman unpaid wage/breach of contract case—adopting the recommendation of **Magistrate Judge Christine A. Nowak** that determined Mr. Willett’s hourly rate of \$405.00 was reasonable. *See Moctezuma v. Dion Islas*, No. 4:18-cv-00342 (Doc. 87) at p. 1, PageID #: 384 (E.D. Tex. Sherman) (“Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court. It is therefore ORDERED that Plaintiffs’ Motion for Award of Attorneys’ Fees [Dkt. #82] is GRANTED, and Plaintiffs shall have and recover their attorneys’ fees in the amount of \$5,869.50 from Defendant.”); *id.* (Doc. 86) at p. 8, PageID #: 382 (“Plaintiffs’ Counsel report hourly rates ranging between \$270.00 to \$405.00 [Dkt. 82-1 at 3]. Ms. Khader’s hourly rate is

⁶ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=400>

⁷ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=375>

\$375.00, Ms. Ali’s hourly rate is \$270.00, and Mr. Willett’s hourly rate is \$405.00. . . . The Court finds the requested hourly rates to be reasonable and appropriate in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020—a \$6.22 difference from that hourly rate of \$405.00 that these judges found was reasonable in 2020.⁸ Adjusted *only* for such inflation from the year of these judges’ rulings (2020) to the end of 2021, that \$405.00 hourly rate for Mr. Willett is \$411.22.

* **Corey E. Devine (class of ’06)**: Mr. Devine works in Houston. His online biography states that he “focuses his practice on traditional employment, wage and hour, and unfair competition disputes and counseling, especially for clients in the energy industry.” He billed for work in a Lufkin employment race discrimination case. *See McClain v. Lufkin Industries*, No. 9:97-CV-063 (Doc. 599-5) at pp. 37, 38 (E.D. Tex. Lufkin) (Amended Declaration of Christopher V. Bacon, filed on January 20, 2009: “Time Keepers Billing Over 10.00 hours . . . Devine, Corey . . . Last Rate Billed . . . 210” but that his “Current Rate” as of the date of testimony in January of 2009 was “280”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009—a \$96.88 difference from the year of that “current rate.”⁹ Adjusted *only* for such inflation from the year of that testified “current rate” (2020) to the end of 2021, that \$280.00 hourly rate for Mr. Devine is \$376.88.

* **Timothy D. Craig (class of ’03)**: Mr. Craig works in Nacogdoches. His practice areas include labor and employment law. On February 20, 2018, **Magistrate Judge Roy S. Payne** found that Mr. Craig was worthy of the \$350.00 per hour rate requested for work in a Marshall employment discrimination and retaliation case. *See Fisher v. Lufkin Indus., Inc.*, No. 2:12-CV-423 (Doc. 127) at p. 4, PageID #: 2053 (E.D. Tex. Marshall) (“The Court is not as familiar with Mr. Craig, but finds his work in this case worthy of the \$350 hourly rate requested.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$12.73 difference from the year of Magistrate Judge Payne’s finding.¹⁰ Adjusted *only* for such inflation from the year of Magistrate Judge Payne’s finding (2018) to the end of 2021, that \$350.00 hourly rate for Mr. Craig is \$362.73.

⁸ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=405>

⁹ <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=280>

¹⁰ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=350>

Classes of the 2010s



13 lawyers listed

\$365.09
average rate

\$342.00
median rate



Classes of the 2010s: The Rates



\$518.18*

Paolo
Meireles
(JD 2010)



\$342.00*

Logan A.
Pardell
(JD 2015)



\$440.00*

Brooke
Bahlinger
(JD 2019)



\$342.00*

Joshua
Cittadino
(JD 2014)



\$434.06*

Marina
Lyons
(JD 2013)



\$329.99*

Stephanie
Gharakhanian
(JD 2013)



\$391.75*

David
Bergen
(JD 2015)



\$305.73*

Megan
Dixon
(JD 2012)



\$391.75*

Olivia C.
Mallary
(JD 2015)



\$274.14*

Reema
Ali
(JD 2018)



\$380.76*

Shana
Khader
(JD 2011)



\$253.84*

Sean
Goldhammer
(JD 2016)



\$342.00*

Janine
Kapp
(JD 2015)

Classes of the 2010s: The Work



* **Paolo Meireles (class of '10)**: Mr. Meireles works in Florida. His online biography states that his “practice focuses on class and collective action cases seeking unpaid wages on behalf of current and former employees nationwide.” On December 20, 2018, **Judge Amos Mazzant** found Mr. Meireles’s \$500.00 hourly rate for work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, PageID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) at p. 28, PageID #: 2336 (requesting fees and reporting lodestar rate of \$500.00 per hour: “Paulo Meireles . . . Rate . . . \$500”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—an \$18.18 difference from that hourly rate of \$500.00 Judge Mazzant found reasonable in 2018.¹ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$500.00 hourly rate for Mr. Meireles is \$518.18.

* **Brooke Bahlinger (class of '19)**: Ms. Bahlinger works in Dallas. Her online biography states that she “is a labor and employment lawyer . . .” In a Sherman bankruptcy case, her law firm has her hourly rate listed as \$440.00 for employment law work in 2021 such as, “Consult with team and B. Smith regarding noncompete and consideration issues; research and analyze case law regarding non-compete consideration and severance; analyze authentication issue with affidavit.” *See In re: Spherature Investments LLC*, No. 20-42492 (Doc. 760) at p.1 & (760-3) at p. 1 & (Doc. 760-8) at p. 117 (E.D. Tex. Bankr. Sherman) (Summary of Second Interim and Final Application of Foley & Lardner LLP, as Counsel to the Debtors, for Allowance of Compensation and Reimbursement of Expenses for Services Rendered During the Period from December 21, 2020 through November 12, 2021) (“Brooke C. Bahlinger . . . FYE 2021 Hourly Rate . . . \$440 . . .”). On January 12, 2022, **Judge Brenda T. Rhoades** granted the request for payment of these fees. *See id.* (Doc. 798).

¹ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=500>

* **Marina Lyons (class of '13):** Ms. Lyons works in Seattle. Her online biography states that she “has extensive experience litigating employment issues and has advised clients concerning wage and hour disputes, discrimination, breach of contract, non-compete claims, investigations by governmental agencies, and drafting employment handbooks and policies.” She billed for employment law work she did in an Eastern District of Texas bankruptcy case. *See In re: Nuvectra Corp.*, No. 19-43090 (Doc. 364) at p. 3, (Doc. 364-3) at Exhibit C, p. 1, and (Doc. 364-6) at Exhibit F, p. 46 (Bankr. E.D. Tex. Sherman) (Summary of Final Fee Application of Dorsey & Whitney LLP for Allowance of Compensation and Reimbursement of Expenses as Counsel to the Debtor and Debtor in Possession for the Period November 12, 2019 through June 2, 2020) (for work including “Further research and analyze the way in which courts determine the location of the site of employment for purposes of telecommuting employees under the Worker Adjustment and Retraining Notification Act”). For that work, the “Stated Rate” was \$475.00 per hour—though her firm applied a 10% discount yielding \$427.50 per hour, and that was the charge for work done in 2019. *See id.* On August 12, 2020, **Judge Brenda T. Rhoades** approved the request for fees. *See id.* (Doc. 386). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (a \$6.56 difference).² Adjusted *only* for such inflation from the year of Judge Rhoades’s approval (2020) to the end of 2021, that \$427.50 hourly rate for Ms. Lyons is \$434.06.

* **David Bergen (class of '15):** Mr. Bergen works in Houston. His online biography notes that he represents injured plaintiffs. On October 13, 2016, **Judge Louis Guirola, Jr.**, approved a rate of \$350.00 per hour for Mr. Bergen’s work in a Sherman FLSA case. *See Vassallo v. Goodman Networks, Inc.*, No. 4:15-CV-97 (Doc. 144) at pp. 11–12, PageID #: 2612–13 (E.D. Tex. Sherman) (“Mr. Bergen, Mr. Peterson, and Ms. Mallary billed their time at a rate of \$350 per hour. . . . The Court finds that the attorneys’ proposed rates, which range from \$275 per hour to \$450 per hour, should be approved by this Court.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016—a \$41.75 difference from that hourly rate of \$350.00 Judge Guirola found reasonable in 2016.³ Adjusted *only* for such inflation from the year of Judge Guirola’s finding (2016) to the end of 2021, that \$350.00 hourly rate for Mr. Bergen is \$391.75.

² <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=427.50>

³ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=350>

* **Olivia C. Mallary (class of '15)**: Ms. Mallary works in Louisiana. Her online biography notes that her practice areas include employment law. On October 13, 2016, **Judge Louis Guirola, Jr.**, approved a rate of \$350.00 per hour for Ms. Mallary's work in a Sherman FLSA case. *See Vassallo v. Goodman Networks, Inc.*, No. 4:15-CV-97 (Doc. 144) at pp. 11–12, PageID #: 2612–13 (E.D. Tex. Sherman) (“Mr. Bergen, Mr. Peterson, and Ms. Mallary billed their time at a rate of \$350 per hour. . . . The Court finds that the attorneys’ proposed rates, which range from \$275 per hour to \$450 per hour, should be approved by this Court.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016—a \$41.75 difference from that hourly rate of \$350.00 Judge Guirola found reasonable in 2016.⁴ Adjusted *only* for such inflation from the year of Judge Guirola’s finding (2016) to the end of 2021, that \$350.00 hourly rate for Ms. Mallary is \$391.75.

* **Shana Khader (class of '11)**: Ms. Khader works in Dallas. Her practice areas include labor and employment law. On June 10, 2020, **Judge Amos L. Mazzant** awarded fees for work Ms. Khader did in a Sherman unpaid wage/breach of contract case—adopting the recommendation of **Magistrate Judge Christine A. Nowak** that determined Ms. Khader’s hourly rate of \$375.00 was reasonable. *See Moctezuma v. Dion Islas*, No. 4:18-cv-00342 (Doc. 87) at p. 1, PageID #: 384 (E.D. Tex. Sherman) (“Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court. It is therefore ORDERED that Plaintiffs’ Motion for Award of Attorneys’ Fees (Dkt. #82) is GRANTED, and Plaintiffs shall have and recover their attorneys’ fees in the amount of \$5,869.50 from Defendant.”); *id.* (Doc. 86) at p. 8, PageID #: 382 (“Plaintiffs’ Counsel report hourly rates ranging between \$270.00 to \$405.00 (Dkt. 82-1 at 3). Ms. Khader’s hourly rate is \$375.00, Ms. Ali’s hourly rate is \$270.00, and Mr. Willett’s hourly rate is \$405.00. . . . The Court finds the requested hourly rates to be reasonable and appropriate in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020—a \$5.76 difference from that hourly rate of \$375.00 that these judges found was reasonable in 2020.⁵ Adjusted

⁴ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=350>

⁵ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=375>

only for such inflation from the year of these judges' rulings (2020) to the end of 2021, that \$375.00 hourly rate for Ms. Khader is \$380.76.

* **Janine Kapp (class of '15):** Ms. Kapp works in New York. Her online biography states that she “represents employees in employment law litigation.” On December 20, 2018, **Judge Amos Mazzant** determined Ms. Kapp's \$330.00 hourly rate for work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, PageID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs' Counsel to be reasonable in light of the attorneys' experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) at p. 28, PageID #: 2336 (requesting fees and reporting lodestar rate of \$330.00 per hour: “Janine Kapp . . . Rate . . . \$330”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$12.00 difference from that hourly rate of \$330.00 that Judge Mazzant found reasonable in 2018.⁶ Adjusted *only* for such inflation from the year of Judge Mazzant's finding (2018) to the end of 2021, that \$330.00 hourly rate for Ms. Kapp is \$342.00.

* **Logan A. Pardell (class of '15):** Mr. Pardell works in Florida. His online biography notes that he “focuses his practice on nationwide complex employment class and collective action litigation, specifically claims for unpaid overtime wages.” On December 20, 2018, **Judge Amos Mazzant** determined Mr. Pardell's \$330.00 hourly rate for work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, PageID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs' Counsel to be reasonable in light of the attorneys' experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) at p. 28, PageID #: 2336 (requesting fees and reporting lodestar rate of \$330.00 per hour: “Logan Pardell . . . Rate . . . \$330”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$12.00 difference from that hourly rate of \$330.00 that Judge Mazzant found reasonable in 2018.⁷ Adjusted *only* for such inflation from the year of Judge Mazzant's finding (2018) to the end of 2021, that \$330.00 hourly rate for Mr. Pardell is \$342.00.

⁶ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=330>

⁷ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=330>

* **Joshua Cittadino (class of '14)**: Mr. Cittadino works in New Jersey and previously worked in New York. His online biography notes that he “has represented clients dealing with unfair employment practices in both State and Federal Court.” On December 20, 2018, **Judge Amos Mazzant** found Mr. Cittadino’s \$330.00 hourly rate for work in a Sherman FLSA case was reasonable. *See Halleen v. Belk, Inc.*, No. 4:16-cv-55 (Doc. 177) at p. 11, PageID #: 2547 (E.D. Tex. Sherman) (“Accordingly, the Court finds the hourly rates reported by Plaintiffs’ Counsel to be reasonable in light of the attorneys’ experience, the relevant rates for similar attorneys in this community, and the specific facts of this case.”); *id.* (Doc. 174-1) at p. 28, PageID #: 2336 (requesting fees and reporting lodestar rate of \$330.00 per hour: “Joshua Cittadino . . . Rate . . . \$330”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$12.00 difference from that hourly rate of \$330.00 that Judge Mazzant found reasonable in 2018.⁸ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2018) to the end of 2021, that \$330.00 hourly rate for Mr. Cittadino is \$342.00.

* **Stephanie Gharakhanian (class of '13)**: Ms. Gharakhanian works in Austin. She previously served as special counsel for the Workers Defense Project—“a community organization for low-wage, immigrant workers in the Texas construction industry.” She now works for the Travis County District Attorney’s Office. On January 8, 2020, **Judge Amos L. Mazzant** found that \$325.00 per hour was a reasonable hourly rate for Ms. Gharakhanian’s work in a Sherman FLSA case. *See Guzman v. GS Fire Protection, LLC*, No. 4:19-cv-00214 (Doc. 12) at p. 4, PageID #: 187 (E.D. Tex. Sherman) (“The Court also finds that the reasonable rates for Plaintiffs’ counsel are . . . \$325/hour for Stephanie Gharakhanian[.] . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020—a \$329.99 difference from that hourly rate of \$325.00 that Judge Mazzant found reasonable in 2020.⁹ Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2020) to the end of 2021, that \$325.00 hourly rate for Ms. Gharakhanian is \$329.99.

* **Megan Dixon (class of '12)**: Ms. Dixon works in Dallas. Her online biography states that she “focuses her practice on representing employees in a variety of employment disputes in state and federal courts throughout Texas.” On

⁸ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=330>

⁹ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=325>

April 24, 2018, Judge Amos Mazzant found her firm's request for fees was reasonable in a Sherman FLSA case. *See Cole v. Wilcox, MD PA*, No. 4:17-CV-00367 (Doc. 18) at p. 3, PageID #: 111 (E.D. Tex. Sherman) ("After reviewing Plaintiff's motion, the Court finds that Plaintiff's request is reasonable and should be granted"); *id.* (Doc. 16) at p. 6, ¶ 14, PageID #: 89 (Plaintiff's Amended Application for Attorneys' Fees and Costs and Brief in Support, seeking \$295.00 per hour for Ms. Dixon's work). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018—a \$10.73 difference from that hourly rate of \$295.00 that Judge Mazzant found reasonable in 2018.¹⁰ Adjusted *only* for such inflation from the year of Judge Mazzant's finding (2018) to the end of 2021, that \$295.00 hourly rate for Ms. Dixon is \$305.73.

* **Reema Ali (class of '18)**: Ms. Ali works in Dallas. Her practice includes representing low-wage workers in employment matters. On June 10, 2020, Judge Amos L. Mazzant awarded fees for work Ms. Ali did in a Sherman unpaid wage/breach of contract case—adopting the recommendation of Magistrate Judge Christine A. Nowak that determined Ms. Ali's hourly rate of \$270.00 was reasonable. *See Moctezuma v. Dion Islas*, No. 4:18-cv-00342 (Doc. 87) at p. 1, PageID #: 384 (E.D. Tex. Sherman) ("Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. It is therefore ORDERED that Plaintiffs' Motion for Award of Attorneys' Fees (Dkt. #82) is GRANTED, and Plaintiffs shall have and recover their attorneys' fees in the amount of \$5,869.50 from Defendant."); *id.* (Doc. 86) at p. 8, PageID #: 382 ("Plaintiffs' Counsel report hourly rates ranging between \$270.00 to \$405.00 (Dkt. 82-1 at 3). Ms. Khader's hourly rate is \$375.00, Ms. Ali's hourly rate is \$270.00, and Mr. Willett's hourly rate is \$405.00. . . . The Court finds the requested hourly rates to be reasonable and appropriate in light of the attorneys' experience, the relevant rates for similar attorneys in this community, and the specific facts of this case."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020—a \$4.14 difference from that hourly rate of \$270.00 that these judges found was reasonable in 2020.¹¹ Adjusted *only* for such inflation from the year of these judges' rulings (2020) to the end of 2021, that \$270.00 hourly rate for Ms. Ali is \$274.14.

¹⁰ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=295>

¹¹ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=270>

* **Sean Goldhammer (class of '16)**: Mr. Goldhammer works in Dallas for the Workers Defense Project—“a community organization for low-wage, immigrant workers in the Texas construction industry.” On January 8, 2020, Judge **Amos L. Mazzant** found that \$250.00 per hour was a reasonable hourly rate for Mr. Goldhammer’s work in a Sherman FLSA case. *See Guzman v. GS Fire Protection, LLC*, No. 4:19-cv-00214 (Doc. 12) at p. 4, PageID #: 187 (E.D. Tex. Sherman) (“The Court also finds that the reasonable rates for Plaintiffs’ counsel are . . . \$250/hour for Sean Goldhammer[.] . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020—a \$3.84 difference from that hourly rate of \$250.00 that Judge Mazzant found was reasonable in 2020.¹² Adjusted *only* for such inflation from the year of Judge Mazzant’s finding (2020) to the end of 2021, that \$250.00 hourly rate for Mr. Goldhammer is \$253.84.

¹² <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=250>

West Texas





WDTX[†] summary of rates listed: high to low

\$923.47 to \$260.34

Rate	Name / JD Year	Rate	Name / JD Year
\$923.47*	Ricardo G. Cedillo (JD 1979)	\$440.00*	Andrew Vickers (JD 2012)
\$908.54*	Stephen E. Fox (JD 1987)	\$414.55*	Corey E. Tanner (JD 2011)
\$885.16*	Jesse J. Gelsomini (JD 1986)	\$411.22*	Christopher Willett (JD 2009)
\$867.81*	Felicity A. Fowler (JD 1992)	\$405.43*	Jairo N. Castellanos (JD 2015)
\$790.00*	Eric Taube (JD 1983)	\$405.30*	Stephen Key (JD 1994)
\$773.94*	Kelly D. Hine (JD 1997)	\$404.98*	J. Derek Braziel (JD 1995)
\$665.00*	David Weiser (JD 1986)	\$404.98*	Joseph Bourbois (JD 1994)
\$600.44*	Colin W. Walsh (JD 2011)	\$400.95*	Edmond S. Moreland, Jr. (JD 1997)
\$600.44*	Kalandra N. Wheeler (JD 2005)	\$391.75*	Robert Notzon (JD 1996)
\$588.90*	Mario A. Barrera (JD 1984)	\$388.61*	Kristen Elizondo (JD 2007)
\$587.74*	John Wenke (JD 1993)	\$382.44*	Eric Johnston (JD 2005)
\$587.74*	John P. Mobbs (JD 1992)	\$378.28*	Stephanie S. Rojo (JD 2003)
\$563.52*	Laura O'Donnell (JD 1996)	\$376.81*	Adam D. Boland (JD 2004)
\$559.65*	Galvin B. Kennedy (JD 1996)	\$375.00*	Emily Frost (JD 2002)
\$555.16*	Rebecca L. Fisher (JD 1994)	\$365.53*	Caitlin Boehne (JD 2012)
\$553.37*	Shafeeqa W. Giarratani (JD 2005)	\$365.03*	Mauro Ramirez (JD 2007)
\$540.00*	William Helfand (JD 1987)	\$369.24*	Gregory Placzek (JD 2009)
\$530.49*	Michael Shaunessy (JD 1987)	\$359.24*	Vanessa Kinney (JD 2007)
\$525.00*	Douglas B. Welmaker (JD 1993)	\$352.64*	Kerry O'Brien (JD 2002)
\$513.20*	Josh Sanford (JD 2001)	\$347.12*	M. Black-Matthews (JD 2006)
\$491.76*	Rachhana T. Srey (JD 2004)	\$339.26*	Carmen Artaza (JD 2006)
\$491.76*	Paul J. Lukas (JD 1991)	\$335.79*	John Neuman (JD 2012)
\$487.31*	Ramon Bissmeyer (JD 1993)	\$335.79*	Aaron Johnson (JD 2008)
\$481.14*	Maria Karos (JD 1993)	\$335.79*	Manuel Quinto-Pozos (JD 2007)
\$481.14*	Judy Jetelina (JD 1985)	\$335.79*	Matt Bachop (JD 2006)
\$476.20*	Robert G. "Bobby" Lee (JD 1993)	\$324.91*	Alicia M. Grant (JD 2016)
\$472.14*	Stephen J. Romero (JD 2004)	\$318.20*	Alexander M. Baggio (JD 2009)
\$471.10*	Taj Clayton (JD 2005)	\$313.40*	Phillip J. Moss (JD 2010)
\$461.88*	Lawrence Morales II (JD 2005)	\$310.91*	Melinda Arbuckle (JD 2011)
\$456.91*	Elizabeth Higginbotham (JD 1993)	\$307.92*	Steve Rauls (JD 2011)
\$456.91*	Thomas H. Padgett, Jr. (JD 1989)	\$293.87*	Michael L. Parsons (JD 2011)
\$450.00*	Edward M. "Ted" Smith (JD 1994)	\$282.26*	Allison Hartry (JD 2012)
\$447.72*	Don J. Foty (JD 2006)	\$270.20*	Collin Wynne (JD 2010)
\$440.45*	Holly Williams (JD 1993)	\$260.34*	Jay Forester (JD 2013)

[†] Courts note the relevant community for fees is district-wide—not by city or division. *See, e.g., Lewallen v. City of Beaumont*, 394 Fed. Appx. 38, 46 (5th Cir. 2010); *Treadway v. Otero*, No. 2:19-CV-244 [Doc. 157] at p. 9 (S.D. Tex. Oct. 6, 2020) (citing cases and concluding: "When it comes to parsing between divisions, it appears that it is the district, rather than the division, that should govern the decision.").



Classes of the 1970s: The Rates

Ricardo G. Cedillo (JD 1979)

\$923.47*



Classes of the 1970s: The Work



* **Ricardo G. Cedillo (class of '79):** Mr. Cedillo works in San Antonio. His online biography states that “he has earned an international reputation as one of the top trial attorneys.” On April 10, 2012, **Judge Xavier Rodriguez** awarded fees in a San Antonio FLSA case and that fee award included work Mr. Cedillo did at the hourly rate of \$750.00. *See Barrera v. MTC, Inc.*, No. 5:10-cv-00665 (Doc. 77) (W.D. Tex. San Antonio) (“Defendant has tendered affidavits explaining that it incurred \$3,379 in attorney’s fees in preparing for and attending the depositions in question and preparing the motion for sanctions. Defendant also incurred \$451.75 in costs. Plaintiffs have not objected to these requested fees and costs. Plaintiffs Andrade and Molina are ordered to pay to Defendant a total of \$3,830.75 within fourteen days of this Order.”); *id.* Defendant’s Submission of Attorneys’ Fees and Expenses (Doc. 73) at pp. 2–3, ¶ 2 (“As shown by the attached evidence of Defendant’s counsel (Cox Smith Matthews Incorporated and Davis, Cedillo & Mendoza, Inc.), Defendant incurred a total of \$3,379.00 in attorneys’ fees in preparing for and attending the depositions, as well as drafting its Motion for Sanctions, among other necessary tasks, and incurred a total of \$451.75 in costs for a grand total of \$3,830.75.”); *id.* Affidavit of Ramon D. Bissmeyer in Support of Submission of Attorneys’ Fees and Expenses (Doc. 73-1) at pp. 4–5, ¶¶ 7–8 (“Defendant MTC has incurred \$2,004.00 in attorneys’ fees in connection with its Motion for Sanctions and the above-described related tasks. . . .”); Declaration of Mark W. Kiehne in Support of Attorneys’ Fees and Expenses (Doc. 73-2) at p. 2, ¶¶ 7–8 (“Ricardo G. Cedillo - \$750 (1 hour x \$750/hour) . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (a \$175.27 difference).¹ Adjusted *only* for such inflation from the date of this award to the end of 2021, that \$750 hourly rate for Mr. Cedillo is \$925.27.

¹ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=750>

Classes of the 1980s



9

lawyers listed

\$649.57

average rate

\$588.90

median rate



Classes of the 1980s: The Rates

\$908.54*



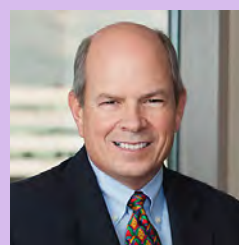
Stephen E.
Fox
(JD 1987)

\$665.00*



David
Weiser
(JD 1986)

\$530.49*



Michael
Shaunessy
(JD 1987)

\$885.16*



Jesse J.
Gelsomini
(JD 1986)

\$588.90*



Mario A.
Barrera
(JD 1984)

\$481.14*



Judy
Jetelina
(JD 1985)

\$790.00*



Eric
Taube
(JD 1983)

\$540.00*



William S.
Helfand
(JD 1987)

\$456.91



Thomas
"Tom" H.
Padgett, Jr.
(JD 1989)

Classes of the 1980s: The Work



* **Stephen E. Fox (class of '87):** Mr. Fox works in Dallas, and his online biography notes that he is a partner in his firm's Labor and Employment practice group. In 2009, he noted in a fee agreement—in which he was engaged to work in a breach of compensation agreement case filed in Austin by an employee—that his standard hourly rate was \$675. *See* Fee Agreement dated February 19, 2009 (attached to Declaration of William T. Jacks) in *Garriott v. NCsoft Corp.*, No. 1:09-cv-00357 (Doc. 182-4) at p. 4, n. 2 (W.D. Tex. Austin) (“For example, my standard rate is \$675/hr.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009 (a \$233.54 difference).¹ Adjusted *only* for such inflation from the year of this stated standard billing rate (2009) to the end of 2021, that \$675.00 hourly rate for Mr. Fox is \$908.54.

* **Jesse J. Gelsomini (class of '86):** Mr. Gelsomini works in Houston. His online biography states that his “principal areas of practice are Employee Benefits, ERISA and Executive Compensation.” In 2015, his firm listed his standard hourly rate as \$765.00 for employment work in an Austin bankruptcy case. *See* Chapter 11 First Interim Fee Application Summary, filed in *In re: Dune Energy, Inc.*, No. 15-10336 (Doc. 322) at pp. 2, 33, (Doc. 322-1) at pp. 44, 45, 181, (Doc. 322-4) at p. 1 (Bankr. W.D. Tex. Austin) (That work included “Review of the Dune Energy, Inc. Employees Severance Plan document (.4); research and draft memo regarding whether the Plan is subject to ERISA (.4); review the consequences of ERISA preemption and whether the benefits provided under the Plan are vested prior to termination of employment (.5); analyze the amendment and termination provisions in the Plan (.5); draft correspondence regarding the same (.2).”). On July 28, 2015, **Judge H. Christopher Mott** granted fees that included this \$765.00 per hour rate. *See id.* Order (Doc. 322-1) at p. 44. According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus

¹ <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=675>

2015 (a \$120.16 difference).² Adjusted *only* for such inflation from the date of this award to the end of 2021, that \$765 hourly rate for Mr. Gelsomini is \$885.16.

* **Eric Taube (class of '83):** Mr. Taube works in Austin. His online biography states that he has extensive experience in several practice areas, including employment disputes. In 2021, he billed for work at the hourly rate of \$790 in an Austin employment case involving claims of wrongful employment termination and defamation. *See* Second Supplemental Declaration of Andrew Vickers, filed in *Lanham v. AWR Servs., Inc.*, No. D-1-GN-20-003923 (419th Judicial District Court for Travis County, Texas) (filed April 8, 2021) at p. 2, ¶ 4 (“By agreement with our client, the current hourly billing rate for services performed from January 1, 2021 through March 11, 2020 [sic] for this matter is \$440 for me (a partner), \$790 for Eric Taube (a partner), and \$205 for Ann Marie Jezisek and Kristen Warner (paralegals). I am familiar with rates charges [sic] by attorneys in Texas for litigation matters and these rates are reasonable when compared to customary rates in Texas for lawsuits such as this one.”).

* **David Weiser (class of '86):** Mr. Weiser works in Austin. His online biography notes that his “practice concentrates on representation of employees before state and federal courts, the EEOC, and the MSPB, in both individual and class action litigation.” On January 11, 2021, Miriam G. Harvey, the Director of the Office of Civil Rights and Diversity for the United States Department of the Treasury issued a Final Agency Decision in which Mr. Weiser’s requested rate of \$665 for work in a federal sector employment disability discrimination case. *In the Matter of Gloria ___ v. Steven T. Mnuchin*, TD Case No. BFS-20-0073-F at pp. 6, 12 (“Further, FS contended that the attorney’s fees were based on the Laffey Matrix, which provides hourly rates to attorneys in the Washington, DC-Baltimore area, whereas Complainant’s attorneys are in Texas, and therefore the hourly rates should be reduced. . . . [W]ith respect to attorney’s fees, we find the number of hours, the hourly rate, and the services itemized to be reasonable. . . . Complainant is entitled to an award of \$66,907 in attorney’s fees”); *see also* Reply Declaration of David Weiser Regarding Attorneys Fees filed in *In the Matter of Gloria ___ v. Steven T. Mnuchin*, TD Case No. BFS-20-0073-F at p. 4, ¶ 4 (“This hourly rate (\$665) applies to Texas clients who pay for my services in advance, and also for those Texas clients who have a contingency fee arrangement for my representation.”); Complainant’s Reply to Arguments Submitted by Bureau of the Fiscal Services filed in *In the Matter of Gloria ___ v. Steven T. Mnuchin*, TD Case No. BFS-20-0073-F on November 24, 2020 (requesting a total lodestar of “\$66,907.00” in fees based, in part, on Mr. Weiser’s requested hourly rate of “\$665”).

² <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=765>

* **Mario A. Barrera (class of '84):** Mr. Barrera works in San Antonio. His online biography states that he is a labor and employment partner at his law firm. In 2020, he billed his work in a San Antonio employment termination case at the hourly rate of \$580. *See* Affidavit of Mario A. Barrera, filed in *Yadav v. Frost Bank*, No. 5:20-CV-00005-FB-ESC (Doc. 42-4) at p. 2, ¶¶ 2 & 4 (W.D. Tex. San Antonio) (“I am counsel of record for Defendant Frost Bank (“Frost”) in the above-referenced lawsuit. I am a Partner at Norton Rose Fulbright US LLP (“NRF”). . . . Frost has agreed to compensate NRF for the firm’s work on this lawsuit based on an hourly fee. Through this date, I have spent 0.7 hours reviewing the relevant documents and preparing Defendant’s Motion for Sanctions (“Motion”). My hourly billing rate on this matter is \$580.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (an \$8.90 difference).³ Adjusted *only* for such inflation from the year of this billing to the end of 2021, that \$580 hourly rate for Mr. Barrera is \$588.90.

* **William S. Helfand (class of '87):** Mr. Helfand works in Houston. His online biography notes that his “labor and employment law practice focuses on the defense of both public and private employers throughout Texas and the United States.” In or before 2021, he contracted to represent the Texas Attorney General in a Texas Whistleblower Act case brought by former employees of that office in *Brickman v. Office of the Attorney General of the States of Texas*, No. D-1-GN-20-006861 (250th Judicial District Court for Travis County, Texas). *See* Emma Platoff, *Texas attorney general’s office paying lead lawyer \$540 per hour to defend against whistleblower lawsuit*, Texas Tribune (Dec. 14, 2020); Outside Counsel Contract OAG Contract No. 2021-302-0051 (“Addendum B . . . Rates . . . William S. Helfand – Partner . . . Hourly Rate . . . \$540”).

* **Michael Shaunessy (class of '87):** Mr. Shaunessy works in Austin. His online biography states: “For more than 20 years, he has successfully defended employers from claims of sexual harassment, sex discrimination, race discrimination, as well as violations of the Americans with Disabilities Act, Age Discrimination in Employment Act, and Fair Labor Standards Act.” On March 7, 2012, **Magistrate Judge John Primomo** issued a report and recommendation in a San Antonio wrongful discharge from employment case — recommending dismissal of the lawsuit as a frivolous one and for imposition of sanctions. *See Sladcik v. MK Marlow Co., LLC*, No. SA-11-CA-529-FB (Doc. 26) at p. 10 (W.D. Tex. San Antonio) (“[T]his lawsuit should be dismissed with prejudice. Also, as sanctions under Rule 11, plaintiff should be ordered to pay to defendants the attorneys fees they incurred as a result of defending this suit. Within the 14-day time period for responding to this Memorandum and Recommendation, defendants should file an

³ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=580>

Advisory establishing, by affidavit and other proof, the amount of attorneys' fees to which they are entitled."). Defendants filed an "Advisory to the Court Regarding Attorneys' Fees." *See id.* (Doc. 30). With that filing, Defendants submitted unredacted fee bills and the Affidavit of Michael Shaunessy — noting hourly rates for attorneys involved. *See id.* (Docs. 30-1) at p. 3, ¶ 5 ("The rates charged by Sedgwick firm in association with this case are as follows: the hourly rate for partners is between \$390 and \$430; the hourly rate for associates is \$310; . . ."); *see also id.* (Doc. 30-5) (billing statements). As only one other partner—and one associate—are mentioned in the affidavit, it is assumed that Mr. Shaunessy's rate was \$430, his less-experienced partner Maria Karos was \$390, and his associate was \$310. On March 29, 2012, **Judge Fred Biery** adopted the report and recommendation granting the request for fees. *See id.* (Doc. 32). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (a \$100.49 difference).⁴ Adjusted *only* for such inflation from the year of this billing to the end of 2021, that \$430 hourly rate for Mr. Shaunessy is \$530.49.

* **Judy Jetelina (class of '85)**: Ms. Jetelina works in San Antonio. Her online biography states that she "has practiced exclusively in the area of labor and employment for more than 25 years." On February 16, 2012, **Judge Harry Lee Hudspeth** awarded \$390 per hour for work she did in an Equal Pay Act case. *See Wojcik v. Ameripath San Antonio 5.01(A) Corp.*, No. SA-10-CA-335-H (Doc. 74) at p. (W.D. Tex. San Antonio) (" . . . , the Court finds that the following are reasonable amounts for the services of each professional: . . . Ms. Jetelina: .17 hours x \$390 per hour . . ."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (a \$91.14 difference).⁵ Adjusted *only* for such inflation from the year of this award to the end of 2021, that \$390 hourly rate for Ms. Jetelina is \$481.14.

* **Thomas "Tom" H. Padgett, Jr. (class of '89)**: Mr. Padgett works in Houston. His online biography states that he is a civil rights lawyer. On March 3, 2020, for work prosecuting a Waco employment discrimination case, **Judge Jim Meyer** granted Mr. Padgett \$450.00 per hour. *See Abens v. Providence Health Servs. of Waco*, No. 2015-908-4 (170th Judicial District Court for McClenan County, Texas) (final judgment at p. 5) ("Thomas H. Padgett, Jr. is hereby awarded fees in a total amount of \$57,465.00. Mr. Padgett billed 127.7 hours and bills at a rate of \$450.00 per hour."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for

⁴ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=430>

⁵ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=390>

legal services are 1.53% higher in 2021 versus 2020 (a \$6.91 difference).⁶ Adjusted *only* for such inflation from the year of this ruling to the end of 2021, that \$450 hourly rate for Mr. Padgett is \$456.91.

⁶ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=450>

Classes of the 1990s



20

lawyers listed

\$515.61

average rate

\$484.23

median rate



Classes of the 1990s: The Rates



\$867.81*

Felicity A.
Fowler
(JD 1992)



\$525.00*

Douglas B.
Welmaker
(JD 1993)



\$440.45*

Holly
Williams
(JD 1993)



\$773.94*

Kelly D.
Hine
(JD 1997)



\$491.76*

Paul J.
Lukas
(JD 1991)



\$405.30*

Stephen
Key
(JD 1994)



\$587.74*

John
Wenke
(JD 1993)



\$487.31*

Ramon
Bissmeyer
(JD 1993)



\$404.98*

J. Derek
Braziel
(JD 1995)



\$587.74*

John P.
Mobbs
(JD 1992)



\$481.14*

Maria
Karos
(JD 1993)



\$404.98*

Joseph
Bourbois
(JD 1994)



\$563.52*

Laura
O'Donnell
(JD 1996)



\$476.20*

Robert G.
"Bobby" Lee
(JD 1993)



\$400.95*

Edmond S.
Moreland, Jr.
(JD 1997)



\$559.65*

Galvin B.
Kennedy
(JD 1996)



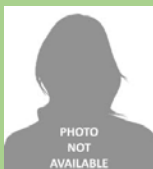
\$456.91*

Elizabeth L.
Higginbotham
(JD 1993)



\$391.75*

Robert
Notzon
(JD 1996)



\$555.16*

Rebecca L.
Fisher
(JD 1994)



\$450.00*

Edward M.
"Ted" Smith
(JD 1994)

Classes of the 1990s: The Work



* **Felicity A. Fowler (class of '92):** Ms. Fowler works in Dallas. Her online biography states that she “has more than 28 years of experience representing employers in all facets of employment law, including litigation, arbitrations, injunctive relief, administrative proceedings, counseling and trainings throughout the United States and in a few foreign jurisdictions.” In 2015, her firm listed her standard hourly rate as \$750.00 for employment work in an Austin bankruptcy case. *See* Chapter 11 First Interim Fee Application Summary, filed in *In re: Dune Energy, Inc.*, No. 15-10336 (Doc. 322) at p. 2, (Doc. 322-1) at pp. 43, 44, 45, (Doc. 322-4) at p. 1 (Bankr. W.D. Tex. Austin) (That work included “Review and analyze client’s severance policy (.4); review and analyze client’s previous termination letter for layoffs (.4); review and analyze employee benefits motion and order (.4); prepare correspondence providing employment law advice concerning potential layoffs (.4)” and “Review and revise termination letter for laid off employees (.5); attention to termination of severance plan (.5)” and “Attention to cancellation of severance plan and communications with client regarding terminations and correspondence related to same (.2).”). On July 28, 2015, **Judge H. Christopher Mott** granted fees that included this rate. *See id.* Order (Doc. 322-1) at p. 44. According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015 (a \$117.81 difference).¹ Adjusted *only* for such inflation from the date of this award to the end of 2021, that \$750 hourly rate for Ms. Fowler is \$867.81.

* **Kelly D. Hine (class of '97):** Mr. Hine works in Dallas. In 2009, his client agreed to pay his firm \$575.00 per hour—a discount from his unstated standard rate—for work in a breach of compensation agreement case filed in Austin by an employee. *See* Fee Agreement dated February 19, 2009 (attached to Declaration of William T. Jacks) filed in *Garriott v. NCsoft Corp.*, No. 1:09-cv-00357 (Doc. 182-4) at p. 4, n. 2 (W.D. Tex. Austin) (“\$575/hr. for Kelly’s services” and “Please note that these rates are discounted from our standard rates”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of

¹ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=750>

Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009 (a \$198.94 difference).² Adjusted *only* for such inflation from the year of this stated standard billing rate (2009) to the end of 2021, that \$575 hourly rate for Mr. Hine is \$773.94.

* **John Wenke (class of '93):** Mr. Wenke works in El Paso. His online biography notes that he “represents employees of all levels, including management employees, in cases of employment discrimination, wrongful termination, sexual harassment, severance negotiations and other employment related matters.” On March 4, 2014, **Judge Angie Juarez Barill** issued a judgment that included attorneys’ fees for work Mr. Wenke did in an El Paso employment discrimination case. *See* Judgment in *Vielma v. ACC Holding, Inc.*, No 2011-DCV-04851 (346th Judicial District Court for El Paso County, Texas) (“It is further ORDERED, ADJUDGED AND DECREED that Plaintiff ANTONIO VIELMA have and recover from Defendant ACC Holding, Inc. d/b/a AIR CARGO CARRIERS, INC. his attorney fees in the amount of two hundred and thirty-nine thousand, four hundred and forty-five dollars (\$239,445.00) for services rendered in this Court through the date of this judgment.”). The hourly rate Judge Barill awarded then in 2014 appears to have been \$500.00 per hour. *Compare* Brief of Appellee, filed January 10, 2015, in *ACC Holding, Inc. v. Vielma*, No. 08-14-00169-CV at p. 44 n. 7 (Tex. Ct. App.—El Paso) (“Vielma requested attorney fees for 517.77 hours necessary to the successful pursuit of his discrimination claim through trial, at the rate of \$500 per hour, for a total of \$258,885. (9RR:9). The trial court awarded \$239,445. (CR:1627). Appellant assumes that the court reduced the hours, rather than the hourly rate.”) *with* Brief of Appellant, filed November 22, 2014, in *ACC Holding, Inc. v. Vielma*, No. 08-14-00169-CV at p. 17 (Tex. Ct. App.—El Paso) (arguing that “The Trial Court Awarded An Extravagant \$500 Per Hour As A Reasonable Hourly Rate And Only Discounted The Hours Expended By Ten Percent For The Numerous Unsuccessful Claims.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 17.55% higher in 2021 versus 2014 (an \$87.74 difference).³ Adjusted *only* for such inflation from the date of this award to the end of 2021, that \$500 hourly rate for Mr. Wenke is \$587.74.

* **John P. Mobbs (class of '92):** Mr. Mobbs works in El Paso. His practice areas include civil appeals. On March 4, 2014, **Judge Angie Juarez Barill** issued a judgment that included attorneys’ fees for work Mr. Mobbs did in an El Paso employment discrimination case. *See* Judgment in *Vielma v. ACC Holding, Inc.*, No 2011-DCV-04851 (346th Judicial District Court for El Paso County,

² <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=575>

³ <https://www.officialdata.org/Legal-services/price-inflation/2014-to-2021?amount=500>

Texas) (“It is further ORDERED, ADJUDGED AND DECREED that Plaintiff ANTONIO VIELMA have and recover from Defendant ACC Holding, Inc. d/b/a AIR CARGO CARRIERS, INC. his attorney fees in the amount of two hundred and thirty-nine thousand, four hundred and forty-five dollars (\$239,445.00) for services rendered in this Court through the date of this judgment.”). The hourly rate Judge Barill awarded then in 2014 appears to have been \$500.00 per hour. *Compare* Brief of Appellee, filed January 10, 2015, in *ACC Holding, Inc. v. Vielma*, No. 08-14-00169-CV at p. 44 n. 7 (Tex. Ct. App.—El Paso) (“Vielma requested attorney fees for 517.77 hours necessary to the successful pursuit of his discrimination claim through trial, at the rate of \$500 per hour, for a total of \$258,885. (9RR:9). The trial court awarded \$239,445. (CR:1627). Appellant assumes that the court reduced the hours, rather than the hourly rate.”) *with* Brief of Appellant, filed November 22, 2014, in *ACC Holding, Inc. v. Vielma*, No. 08-14-00169-CV at p. 17 (Tex. Ct. App.—El Paso) (arguing that “The Trial Court Awarded An Extravagant \$500 Per Hour As A Reasonable Hourly Rate And Only Discounted The Hours Expended By Ten Percent For The Numerous Unsuccessful Claims.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 17.55% higher in 2021 versus 2014 (an \$87.74 difference).⁴ Adjusted *only* for such inflation from the date of this award to the end of 2021, that \$500 hourly rate for Mr. Mobbs is \$587.74.

* **Laura O'Donnell (class of '96):** Laura O'Donnell works in San Antonio. Her online biography states that she heads her law firm's Wage and Hour Litigation Group. On December 9, 2020, her law firm filed a motion seeking attorneys' fees for her work defending a San Antonio FLSA case. *See* Defendants' Motion for Attorneys' Fee Award filed in *Harrington v. Southwestern Bell Telephone L.P.*, No. 5:20-CV-00770-JKP-RBF (Doc. 31) at p. 6 (W.D. Tex. San Antonio) (“As set forth in the attached Declaration of Laura E. O'Donnell, Defendants incurred attorneys' fees both in connection with their Response to Plaintiff's motion and in preparing for the duly-noticed hearing that Plaintiffs' counsel failed to attend. *See* Ex. A (filed under seal). The amount of time spent on the Response and preparing for the hearing and the rates charged by defense counsel are reasonable, considering the questions in this case, the time required, the relevant legal skill, and the qualifications of the attorneys involved, as well as the customary fees for defending cases such as this one. *See* Ex. A.”); Though her law firm's fee bills / invoices themselves—the referenced Exhibit—were later sealed, other filings in the case seem to reveal that her rate for work in 2020 on that case was \$555.00 per hour. *See* Plaintiffs' Response in Opposition to Defendants' Motion for Attorneys' Fee Award filed in *Harrington v. Southwestern Bell Telephone L.P.*, No. 5:20-CV-00770-JKP-RBF (Doc. 36) at p. 11 (W.D. Tex. San Antonio) (“At her rate of \$555.00 a hour, that amounts to fees of \$832.50. This is based on the billing entry of 0.5 hours for attendance at the hearing, and one hour of preparation time

⁴ <https://www.officialdata.org/Legal-services/price-inflation/2014-to-2021?amount=500>

for the hearing. Plaintiffs’ do not object to Ms. O’Donnell’s rate and find that her experience, credentials and rate are similar to the education, credentials, experience and reasonable rates for plaintiffs’ counsel, Mr. Braziel, Mr. Brown and Mr. Dunn.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (a \$8.52 difference).⁵ Adjusted *only* for such inflation from the date of this billed rate to the end of 2021, that \$555 hourly rate for Ms. O’Donnell is \$563.52.

* **Galvin B. Kennedy (class of ’96)**: Mr. Kennedy works in Houston. His online biography notes that he “champions the rights of employees in all sectors from oil field workers to nurses.” On January 8, 2016, **Judge Robert Pitman** awarded fees in a San Antonio FLSA case. *See Sifuentes v. Green Energy Oilfield Servs., LLC*, No. 5:15-CV-752 RP (Doc. 21) (W.D. Tex. San Antonio) (“Plaintiff is awarded \$17,714 as reasonable attorneys’ fees and costs.”). Those fees were based, in part, on Mr. Kennedy’s rate of \$500 per hour. *See id.* (Doc. 19) at pp. 2-3 (motion for fees and costs) (“Plaintiff asserts (and Defendant is not disputing) that the Plaintiff’s reasonable attorney’s fees and costs are \$17,714.00. Included in this amount are the following: . . . 3 hours for Galvin Kennedy, president of firm, at the rate of \$500 per hour;”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016 (a \$59.65 difference).⁶ Adjusted *only* for such inflation from the year of this award to the end of 2021, that \$500.00 hourly rate for Mr. Kennedy is \$559.65.

* **Rebecca L. Fisher (class of ’94)**: Ms. Fisher works in San Antonio. Her online biography notes that she “practices Federal Employment Law throughout the nation” — representing federal sector government employees. On July 11, 2012, the United States Equal Employment Opportunity Commission determined it was error for an administrative law judge to award her less than her requested hourly rate of \$450 per hour for work representing a Texas-based post office employee in a disability employment discrimination case. *See Linda Towns v. Patrick R. Donohue*, Appeal No. 0120112091 (“Upon review, we find that the AJ erred in reducing the Attorney’s hourly rate from \$450.00 to \$246.00.”); *see also* Declaration of Rebecca Fisher filed in *Cox v. Brennan*, No. 2:14-cv-00810-JRG-RSP (Doc. 88-1) at p. 5, PageID #978, ¶ 15 (E.D. Tex. May 10, 2017) (“I have been awarded \$450 per hour for over ten years by the Commission and by Federal Agencies” (*Linda Towns v. Patrick R. Donohue*, Appeal No. 220112091 (July 11, 2012) . . .)). According to the Consumer Price Index for legal services as generated

⁵ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=555>

⁶ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=500>

by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (a \$105.16 difference).⁷ Adjusted *only* for such inflation from the year of this ruling to the end of 2021, that \$450.00 hourly rate for Ms. Fisher is \$555.16.

* **Douglas B. Welmaker (class of '93)**: Mr. Welmaker is based in Austin and his online biography notes that for the past ten years he has limited his practice to FLSA cases. On May 5, 2021, **Magistrate Judge Ronald C. Griffin** ruled—in a report and recommendation—that \$525 per hour was a reasonable rate for Mr. Welmaker's work in a Midland/Odessa FLSA case. *See Garcia v. Von Grist, Inc.*, No. MO:20-CV-00093 (Doc. 21) at p. 12 (W.D. Tex. May 5, 2021) (Report and Recommendation) (“The time records attached to Mr. Welmaker's declaration indicate that Mr. Welmaker expended 8.4 hours at an hourly rate of \$525.00 and his paralegal expended 2.9 hours. . . . Having reviewed Mr. Welmaker's declaration, the undersigned finds that this hourly rate is reasonable for an attorney practicing in the field of employment law with comparable experience to Mr. Welmaker.”). On May 27, 2021, **Judge David Counts** adopted that report and recommendation. *See id.* (Doc. 23) at p. 1 (W.D. Tex. May 5, 2021) (“Order Adopting Report and Recommendation”).

* **Paul J. Lukas (class of '91)**: Mr. Lukas's online biography states that he “is a committed advocate for employee rights.” Mr. Lukas is based in Minneapolis. On November 10, 2015, **Judge Sam Sparks** determined \$425.00 was a reasonable hourly rate for work Mr. Lukas did in an Austin FLSA case. *See Clark v. Centene Corp.*, No. 1:12-cv-00174-SS (Doc. 180) at pp. 15–16 (W.D. Tex. Austin) (“Consequently, the Court finds Srey's claimed \$425 per hour rate reasonable in light of her experience and skill and the rates of Austin-area attorneys, but reduces Lukas's claimed rate from \$525 to \$425.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015 (a \$66.76 difference).⁸ Adjusted *only* for such inflation from the date of this determination to the end of 2021, that \$425 hourly rate for Mr. Lukas is \$491.76.

* **Ramon Bissmeyer (class of '93)**: Mr. Bissmeyer works in San Antonio. His online biography states that he “counsels clients in matters involving discrimination, harassment, retaliation, minimum wage and overtime under the Fair Labor Standards Act (‘FLSA’) and other laws and regulations governing the employer-employee relationship.” On April 10, 2012, **Judge Xavier Rodriguez** awarded fees in a San Antonio FLSA case and that fee award included

⁷ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=450>

⁸ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=425>

work Mr. Bissmeyer did at the hourly rate of \$395.00. *See Barrera v. MTC, Inc.*, No. 5:10-cv-00665 (Doc. 77) (W.D. Tex. San Antonio) (“Defendant has tendered affidavits explaining that it incurred \$3,379 in attorney’s fees in preparing for and attending the depositions in question and preparing the motion for sanctions. Defendant also incurred \$451.75 in costs. Plaintiffs have not objected to these requested fees and costs. Plaintiffs Andrade and Molina are ordered to pay to Defendant a total of \$3,830.75 within fourteen days of this Order.”); *id.* Defendant’s Submission of Attorneys’ Fees and Expenses (Doc. 73) at pp. 2–3, ¶ 2 (“As shown by the attached evidence of Defendant’s counsel (Cox Smith Matthews Incorporated and Davis, Cedillo & Mendoza, Inc.), Defendant incurred a total of \$3,379.00 in attorneys’ fees in preparing for and attending the depositions, as well as drafting its Motion for Sanctions, among other necessary tasks, and incurred a total of \$451.75 in costs for a grand total of \$3,830.75.”); *id.* Affidavit of Ramon D. Bissmeyer in Support of Submission of Attorneys’ Fees and Expenses (Doc. 73-1) at pp. 1, 4–5, ¶¶ 4, 7–8 (“At the time of the deposition in question, my hourly fee for this matter was \$395.00 per hour. . . . Defendant MTC has incurred \$2,004.00 in attorneys’ fees in connection with its Motion for Sanctions and the above-described related tasks. . . . Further, attached to this affidavit is a copy of the invoice for services rendered by the court reporter for attending the depositions of Plaintiffs Andrade and Molina and taking the Certificates of Non-Appearance, in the amount of \$300, and which services were paid by Cox Smith[fn].”); Declaration of Mark W. Kiehne in Support of Attorneys’ Fees and Expenses (Doc. 73-2) at p. 2, ¶¶ 7–8 (“Ricardo G. Cedillo - \$750 (1 hour x \$750/hour) Mark W. Kiehne - \$625 (2.5 hours x \$250/hour) Total \$1375. . . . In addition, MTC incurred an additional expense in the amount of \$151.75 for the court reporter’s certificate of non-appearance of Plaintiff Javier Andrade.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (a \$92.31 difference).⁹ Adjusted *only* for such inflation from the date of this award (2012) to the end of 2021, that \$395.00 hourly rate for Mr. Bissmeyer is \$487.31.

* **Maria Karos (class of '90):** Ms. Karos works in Dallas. Her online biography notes that she “focuses her practice on high-stakes catastrophic injury cases and complex business litigation matters.” On March 7, 2012, **Magistrate Judge John Primomo** issued a report and recommendation in a San Antonio wrongful discharge from employment case — recommending dismissal of the lawsuit as a frivolous one and for imposition of sanctions. *See Sladczik v. MK Marlow Co., LLC*, No. SA-11-CA-529-FB (Doc. 26) at p. 10 (W.D. Tex. San Antonio) (“[T]his lawsuit should be dismissed with prejudice. Also, as sanctions under Rule 11, plaintiff should be ordered to pay to defendants the attorneys fees they incurred as a result of defending this suit. Within the 14-day time period for responding to this Memorandum and Recommendation, defendants should file an Advisory

⁹ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=395>

establishing, by affidavit and other proof, the amount of attorneys' fees to which they are entitled."). Defendants filed an "Advisory to the Court Regarding Attorneys' Fees." *See id.* (Doc. 30). With that filing, Defendants submitted unredacted fee bills and the Affidavit of Michael Shaunessy — noting hourly rates for attorneys involved. *See id.* (Docs. 30-1) at p. 3, ¶ 5 ("The rates charged by Sedgwick firm in association with this case are as follows: the hourly rate for partners is between \$390 and \$430; the hourly rate for associates is \$310; . . ."); *see also id.* (Doc. 30-5) (billing statements). As only one other partner—and one associate—are mentioned in the affidavit, it is assumed that Mr. Shaunessy's rate was \$430, his less-experienced partner Maria Karos was \$390, and his associate was \$310. On March 29, 2012, **Judge Fred Biery** adopted the report and recommendation granting the request for fees. *See id.* (Doc. 32). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (a \$91.14 difference).¹⁰ Adjusted *only* for such inflation from the year of this billing (2012) to the end of 2021, that \$390 hourly rate for Ms. Karos is \$481.14.

* **Robert G. "Bobby" Lee (class of '93):** Though he now works in Houston, Mr. Lee, a board-certified labor and employment law specialist, previously worked in North Texas. On July 5, 2012, **Judge Lee Yeakel** awarded \$386.00 per hour for work Mr. Lee did in an Austin FLSA case. *See Flowers v. Interra Hydro, Inc.*, No. 1:11-CV-421-LY (Doc. 35) at p. 3 (W.D. Tex. Austin) ("the court adopts Interra's suggested rate of \$386 per-hour as the hourly rate for Mr. Lee."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (an \$90.20 difference).¹¹ Adjusted *only* for such inflation from the date of this award (2012) to the end of 2021, that \$386.00 hourly rate for Mr. Lee is \$476.20.

* **Elizabeth L. Higginbotham (class of '93):** Ms. Higginbotham works in San Antonio. Her online biography states that she "is a *nurse attorney* in private practice who works with nurses across the State of Texas as well as nurses in Texas practicing under a multi-state compact license." On March 3, 2020, for work prosecuting a Waco employment discrimination case, **Judge Jim Meyer** granted Ms. Higginbotham \$450.00 per hour. *See Abens v. Providence Health Servs. of Waco*, No. 2015-908-4 (170th Judicial District Court for McClenan County, Texas) (final judgment at p. 4). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (a \$6.91

¹⁰ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=390>

¹¹ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=386>

difference).¹² Adjusted *only* for such inflation from the year of this ruling to the end of 2021, that \$450 hourly rate for Ms. Higginbotham is \$456.91.

* **Edward M. “Ted” Smith (class of ’94):** Mr. Smith works in Austin. His online biography notes that he “specializes in representing employers in all aspects of the employer-employee relationship, from training and advice to litigation and appeal.” On October 1, 2021, **Magistrate Judge Dustin M. Howell** granted fees as discovery sanctions in an Austin FLSA case. *See McNamara v. Your Fare, Inc.*, No. 1:21-cv-00140-LY (Doc. 31) at pp. 1-2 (W.D. Tex. Austin) (“Plaintiff’s Motion to Compel Discovery Responses and Request for Sanctions is GRANTED. IT IS FURTHER ORDERED: . . . that Defendants’ counsel of record, Constangy, Brooks, Smith & Prophete, LLP, pay to Plaintiff’s counsel of record, Cornell Smith Mierl Brutocao Burton, LLP, the amount of \$3,825 within twenty-one (21) days of this Order, as payment of Plaintiff’s reasonable attorneys’ fees incurred in conjunction with this Motion.”). The amount of fees was premised on the requested rate of \$450 per hour for Mr. Smith’s work. *See id.* (Doc. 20) at p. 6 (“Plaintiff’s Motion to Compel Discovery Responses and Request for Sanctions”) (“Mr. Smith’s hourly billable rate is \$450, . . .”); *id.* (Doc. 23-1) at pp. 3-4 (Exhibit 1 to “Plaintiff’s Sur-reply to Defendants’ Response to Motion to Compel Discovery Responses and Request for Sanctions.”) (“Plaintiff respectfully requests that the Court: . . . order Defendants and their counsel of record, jointly and severally, to pay Plaintiff her reasonable expenses, including attorneys’ fees in the amount of \$3,825, within seven (7) days of the Court’s Order.”).

* **Holly Williams (class of ’93):** Ms. Williams works in Midland. Her online biography states that she “is the only attorney in the Permian Basin who is Board Certified by the Texas Board of Legal Specialization in Labor and Employment Law.” On June 22, 2018, **Judge David Counts** granted Ms. Williams’s request for attorneys’ fees in a Midland/Odessa employment discrimination case. *See Roberts v. Brinkerhoff Inspection, Inc.*, No. 7:16-cv-00342 (Doc. 86) at p. 1 (W.D. Tex. Midland/Odessa) (“After due consideration, the Court GRANTS Plaintiff’s unopposed motions for attorney fees and expenses pursuant to 42 U.S.C. § 2000e-5(k) for the amounts requested in the motions and described in the proposed judgment.”). The granted request itself was premised on an hourly rate of \$425.00 for the work Ms. Williams did in the case. *See id.* Plaintiff’s Unopposed Motion for Attorneys’ Fees (Doc. 80) at p. 3 (“Plaintiff requests an hourly rate of \$425 for lead counsel Holly Williams[.] . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018 (a \$15.45

¹² <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=450>

difference).¹³ Adjusted *only* for such inflation from the year of this ruling to the end of 2021, that \$425 hourly rate for Ms. Williams is \$440.45.

* **Stephen Key (class of '94):** Mr. Key works in Dallas. His online biography states that his “practice is limited to the representation of management in matters of employment litigation, governmental regulation and union relations.” In 2017, Mr. Key testified concerning his fees for work in a San Antonio FLSA case. *See* Affidavit of Stephen C. Key [with billing statement attached as Exhibit 1], filed in Defendant Stevens Tanker Division, LLC’s Motion for Fees, filed in *Espinosa v. Stevens Tanker Division, LLC*, No. 5:15-cv-879-XR (Doc. 94) (W.D. Tex. San Antonio). His firm’s billing statement shows he billed \$375.00 per hour for 2017 work in the case. *See id.* at p. 24. According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 8.08% higher in 2021 versus 2017 (a \$30.30 difference).¹⁴ Adjusted *only* for such inflation from the year of this billing to the end of 2021, that \$375.00 hourly rate for Mr. Key is \$405.30.

* **J. Derek Braziel (class of '95):** Mr. Braziel works in Dallas. On December 8, 2015, Judge David Alan Ezra ruled that \$350.00 per hour was a reasonable rate for Mr. Braziel’s work in an Austin FLSA case. *See Rodriguez v. Mechanical Tech. Servs., Inc.*, No. 1:12-cv-00710 (Doc. 175) at pp. 16–17 (W.D. Tex. Austin) (“Accordingly, the Court finds the following rates to be reasonable and customary for this type of litigation . . . J. Derek Braziel . . . \$350”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015 (a \$54.98 difference).¹⁵ Adjusted *only* for such inflation from the year of this ruling to the end of 2021, that \$350 hourly rate for Mr. Braziel is \$404.98.

* **Joseph Bourbois (class of '94):** Mr. Bourbois works in San Antonio. In 2015, he billed for his work in an Austin employment discrimination case at the hourly rate of \$350.00. *See* Affidavit of Mario A. Barrera, filed in *Santos v. Wincor Nixdorf, Inc.*, No. 1:16-cv-00440-RP (Doc. 82-1) at p. 2 (W.D. Tex. Austin) (“Our firm charged Defendant . . . \$350.00 per hour for Joseph A. Bourbois’s (Counsel) time[. . .]”) and Invoice dated November 10, 2015 (Doc. 82-2) at p. 4 (“Joseph A. Bourbois . . . Counsel . . . Rate . . . \$350.00”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus

¹³ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=425>

¹⁴ <https://www.officialdata.org/Legal-services/price-inflation/2017-to-2021?amount=375>

¹⁵ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=350>

2015 (a \$54.98 difference).¹⁶ Adjusted *only* for such inflation from the year of this billing to the end of 2021, that \$350 hourly rate for Mr. Bourbois is \$404.98.

* **Edmond S. Moreland, Jr. (class of '97):** Mr. Moreland works in Wimberley. On May 9, 2012, **Magistrate Judge Andrew Austin** ruled that Mr. Moreland's requested hourly rate of \$325.00 for work in an Austin FLSA case was reasonable. *See Ransom v. M. Patel Enters., Inc.*, No. 1:10-cv-00857 (Doc. 194) at p. 6 (W.D. Tex. Austin) ("The Court concludes that Moreland's requested hourly rate of \$325 is reasonable in light of his experience and skill and the rates of similar attorneys practicing in the Austin area."), *reversed on other grounds* 734 F.3d 377 (5th Cir. 2013). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (a \$75.95 difference).¹⁷ Adjusted *only* for such inflation from the year of this billing to the end of 2021, that \$325 hourly rate for Mr. Moreland is \$400.95.

* **Robert Notzon (class of '96):** Mr. Notzon works in Austin. His online biography notes that his practice areas include labor and employment law. On March 15, 2016, **Judge Sam Sparks** awarded an hourly rate of \$350.00 for Mr. Notzon's work in an Austin FLSA case. *See Saldivar v. Austin Indep. Sch. Dist.*, No. 14-CA-00117 (Doc. 97) at p. 12 (W.D. Tex. Austin) (Judge Sam Sparks) ("AISD does not challenge Saldivar's counsel's rate of \$350 per hour, and therefore the Court finds this hourly rate reasonable for the Austin area."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016 (a \$41.75 difference).¹⁸ Adjusted *only* for such inflation from the year of this award to the end of 2021, that \$350 hourly rate for Mr. Notzon is \$391.75.

¹⁶ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=350>

¹⁷ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=325>

¹⁸ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=350>

Classes of the 2000s



24

lawyers listed

\$407.17

average rate

\$377.55

median rate

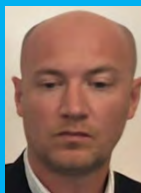


Classes of the 2000s: The Rates



\$600.44*

Kalandra N.
Wheeler
(JD 2005)



\$411.22*

Christopher
Willett
(JD 2009)



\$359.24*

Vanessa
Kinney
(JD 2007)



\$553.37*

Shafeeqa W.
Giarratani
(JD 2005)



\$388.61*

Kristen
Elizondo
(JD 2007)



\$352.64*

Kerry
O'Brien
(JD 2002)



\$513.20*

Josh
Sanford
(JD 2001)



\$382.44*

Eric
Johnston
(JD 2005)



\$347.12*

Meredith
Black-Matthews
(JD 2006)



\$491.76*

Rachhana
T. Srey
(JD 2004)



\$378.28*

Stephanie S.
Rojo
(JD 2003)



\$339.26*

Carmen
Artaza
(JD 2006)



\$472.14*

Stephen J.
Romero
(JD 2004)



\$376.81*

Adam D.
Boland
(JD 2004)



\$335.79*

Aaron
Johnson
(JD 2008)



\$471.10*

Taj
Clayton
(JD 2005)



\$375.00*

Emily
Frost
(JD 2002)



\$335.79*

Manuel
Quinto-Pozos
(JD 2007)



\$461.88*

Lawrence
Morales II
(JD 2005)



\$365.03*

Mauro
Ramirez
(JD 2007)



\$335.79*

Matt
Bachop
(JD 2006)



\$447.72*

Don J.
Foty
(JD 2006)



\$359.24*

Gregory
Placzek
(JD 2009)



\$318.20*

Alexander M.
Baggio
(JD 2009)

Classes of the 2000s: The Work



* **Kalandra N. Wheeler (class of '05)**: Ms. Wheeler works in Houston. Her online biography notes that she “represents employees with various types of claims, including Title VII of the Civil Rights Act, the Family Medical Leave Act (FMLA), the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), and the Fair Labor Standards Act (FLSA).” On August 23, 2019, **Judge Royce C. Lamberth** granted fees requested for her work in a San Antonio employment discrimination and retaliation case. *See Johnson v. Southwest Research Institute*, No. 5:15-cv-297 (Doc. 176) at p. 17 (W.D. Tex. San Antonio) (“To review: Southwest Research must pay Johnson \$535,609.47 in fees and costs, plus 2.324% interest beginning on May 23, 2019 and compounded annually”). The fees request was based, in part, on her stated rate of \$585.00 per hour. *See id.* Declaration Under Penalty of Perjury of Colin W. Walsh (Doc. 152-1) at p. 6, ¶ 13 (“The firm’s hourly rate for Kalandra N. Wheeler, who became a partner shortly after trial of this case, is also currently [since January 2019, when she became board certified in labor and employment law] \$585/hour. This is the rate this firm charged and received for Ms. Wheeler’s time in the San Antonio market.”); *see also id.* Plaintiff’s Supplemental Motion for Reasonable Attorneys’ Fees and Costs (Doc. 171) at p. 3 (seeking “Post-judgment interest on \$536,430.77 (the combined award of fees and costs) . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 2.64% higher in 2021 versus 2019 (a \$15.44 difference).¹ Adjusted *only* for such inflation from the date of Judge Lamberth’s award (2019) to the end of 2021, that \$585.00 hourly rate for Ms. Wheeler is \$600.44.

* **Shafeeqa W. Giarratani (class of '05)**: Ms. Giarratani works in Austin. Her online biography notes that she “represents employers in federal and state court and before administrative agencies and regulatory agencies such as the Equal Employment Opportunity Commission, the Texas Workforce Commission, and the Office of Federal Contract Compliance Programs.” On December 18, 2020, in a Dallas case involving allegations of race discrimination in employment, there was testimony stating her standard hourly rate in 2020 was \$545.00 per hour. *See Ibarra v. Jacobs Eng. Group, Inc.*, No. 3:19-cv-01437-C (Doc. 41-1)

¹ <https://www.officialdata.org/Legal-services/price-inflation/2019-to-2021?amount=585>

at p. 12, ¶ 21 (N.D. Tex. Dallas) (Declaration of John M. Barcus) (“Shafeeqa W. Giarratani’s standard rate for 2020 is \$545 per hour[.]”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (an \$8.37 difference).² Adjusted *only* for such inflation from the year of this billing rate (2020) to the end of 2021, that \$545.00 hourly rate for Ms. Giarratani is \$553.37.

* **Josh Sanford (class of ’01):** Mr. Sanford works in Little Rock, Arkansas but is licensed in Texas and his firm keeps an office in San Antonio. His online biography notes that he “practices almost exclusively in employment litigation, focusing on wage and hour law.” On August 14, 2019, **Judge Royce C. Lamberth** awarded Mr. Sanford’s law firm fees for work in a San Antonio FLSA case. *See Moore v. Performance Pressure Pumping Servs., LLC*, No. 5:15-cv-432-RC (Doc. 174) at p. 1 (W.D. Tex. San Antonio) (“The Court finds that the Plaintiffs should be awarded fees based on the lodestar amount requested by Plaintiffs. The fees charged by Plaintiffs’ counsel are reasonable and consistent with fees customarily charged by attorneys of similar skill, experience and reputation in the area of San Antonio, Texas”). That award was premised, in part, on Mr. Sanford’s requested rate of \$500 per hour. *See id.* (Doc. 168-1) at p. 5, ¶ 16 (Declaration of Attorney Josh Sandford filed as an attachment to Plaintiffs’ Motion for Award of Attorneys’ Fees and Costs (Doc. 168)) (listing rate: “Sanford, J. \$500.00.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 2.64% higher in 2021 versus 2019 (a \$13.20 difference).³ Adjusted *only* for such inflation from the year of Judge Lamberth’s fee award (2019) to the end of 2021, that \$500.00 hourly rate for Mr. Sanford is \$513.20.

* **Rachhana T. Srey (class of ’04):** Ms. Srey’s online biography states that she “has extensive litigation experience, primarily dedicating her legal practice to national wage and hour complex class and collective action employment litigation.” Ms. Srey is based in Minneapolis. On November 10, 2015, **Judge Sam Sparks** determined \$425.00 was a reasonable hourly rate for Ms. Srey’s work in an Austin FLSA case. *See Clark v. Centene Corp.*, No. 1:12-cv-00174-SS (Doc. 180) at pp. 15–16 (W.D. Tex. Austin) (“Consequently, the Court finds Srey’s claimed \$425 per hour rate reasonable in light of her experience and skill and the rates of Austin-area attorneys, but reduces Lukas’s claimed rate from \$525 to \$425.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher

² <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=545>

³ <https://www.officialdata.org/Legal-services/price-inflation/2019-to-2021?amount=500>

in 2021 versus 2015 (a \$66.76 difference).⁴ Adjusted *only* for such inflation from the year of Judge Sparks's determination (2015) to the end of 2021, that \$425.00 hourly rate for Ms. Srey is \$491.76.

* **Stephen J. Romero (class of '04)**: Mr. Romero works in San Antonio. In 2020, his law firm billed his work in a San Antonio employment termination case to a client at the hourly rate of \$465.00. *See* Affidavit of Mario A. Barrera, filed in *Yadav v. Frost Bank*, No. 5:20-CV-00005-FB-ESC (Doc. 42-4) at p. 2, ¶¶ 2 & 4 (W.D. Tex. San Antonio) ("I am counsel of record for Defendant Frost Bank ("Frost") in the above-referenced lawsuit. I am a Partner at Norton Rose Fulbright US LLP ("NRF"). . . . Frost has agreed to compensate NRF for the firm's work on this lawsuit based on an hourly fee. . . . Stephen J. Romero, Counsel at NRF, has spent .75 hours reviewing cases and preparing the Motion. Mr. Romero's hourly rate is \$465."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (a \$7.14 difference).⁵ Adjusted *only* for such inflation from the year of this billing (2020) to the end of 2021, that \$465 hourly rate for Mr. Romero is \$472.14.

* **Taj Clayton (class of '05)**: Mr. Clayton works in Dallas. In 2009, his client agreed to pay his firm \$350.00 per hour—a discount from his unstated standard rate—for work in a breach of compensation agreement case filed in Austin by an employee. *See Garriott v. NCsoft Corp.*, No. 1:09-cv-00357 (Doc. 182-4) (Fee Agreement dated February 19, 2009 attached to Declaration of William T. Jacks) at p. 4, n. 2 (W.D. Tex. Austin) ("\$350/hr. for Taj's services" and "Please note that these rates are discounted from our standard rates"). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 34.60% higher in 2021 versus 2009 (a \$121.10 difference).⁶ Adjusted *only* for such inflation from the year of this fee agreement (2009) to the end of 2021, that \$350 hourly rate for Mr. Clayton is \$471.10.

* **Lawrence Morales II (class of '05)**: Mr. Morales works in San Antonio. He is certified by the Texas Board of Legal Specialization as a labor and employment law specialist. On March 19, 2019, **Judge David Briones** granted Mr. Morales's law firm's request for attorneys' fees in an El Paso FLSA case. *See Bally v. Dreams Cabaret, LLC*, No. EP-CV-30-DB (Doc. 93) at p. 1 (W.D. Tex. El Paso)

⁴ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=425>

⁵ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=465>

⁶ <https://www.officialdata.org/Legal-services/price-inflation/2009-to-2021?amount=350>

(“Plaintiffs ask the Court to award them \$111,084.50 in attorney's fees and enter a final judgment in this case. After due consideration, the Court is of the opinion that Plaintiffs' Motion should be granted.”). This amount of fees granted was based, in part, on Mr. Morales’s requested rate of \$450 per hour. *See id.* (Doc. 92) at pp. 6 & 7 (“Plaintiff’s Motion for Attorneys’ Fees and Costs and for Entry of Final Judgment”) (“Based on the lodestar analysis, Plaintiffs seek \$111,084.50 in attorneys’ fees . . . Mr. Morales and Ms. Hartry performed all attorney work on this case. Mr. Morales’s billing rate of \$450 per hour is reasonable.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 2.64% higher in 2021 versus 2019 (an \$11.88 difference).⁷ Adjusted *only* for such inflation from the year of Judge Briones’s ruling (2019) to the end of 2021, that \$450.00 hourly rate for Mr. Morales is \$461.88.

* **Don J. Foty (class of '06)**: Mr. Foty works in Houston. His online biography notes that his areas of practice include wage and hour cases. On January 8, 2016, **Judge Robert Pitman** awarded fees in a San Antonio FLSA case. *See Sifuentes v. Green Energy Oilfield Servs., LLC*, No. 5:15-CV-752 RP (Doc. 21) (W.D. Tex. San Antonio) (“Plaintiff is awarded \$17,714 as reasonable attorneys’ fees and costs.”). Those fees were based, in part, on Mr. Foty’s rate of \$400 per hour. *See id.* (Doc. 19) at p. 2 (motion for fees and costs) (“Plaintiff asserts (and Defendant is not disputing) that the Plaintiff’s reasonable attorney’s fees and costs are \$17,714.00. Included in this amount are the following: . . . 29.2 hours for Don Foty, attorney in charge, at the rate of \$400 per hour;”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016 (a \$47.72 difference).⁸ Adjusted *only* for such inflation from the year of Judge Pitman’s fee award (2016) to the end of 2021, that \$400.00 hourly rate for Mr. Foty is \$447.72.

* **Christopher Willett (class of '09)**: Mr. Willett works in Austin. On August 10, 2020, **Magistrate Judge Susan Hightower** ruled that \$405.00 per hour was a reasonable rate for Mr. Willett’s work in an Austin FLSA case. *See Barrientos v. Mikatsuki Int’l, Inc.*, No. 1:18-CV-00934-RP (Doc. 38) at p. 10, 2020 WL 4581883 (W.D. Tex. Austin) (noting time records “5.5 hours of work by licensed attorney Christopher J. Willett at \$405 per hour (\$2,227.50)” and ruling: “After carefully reviewing the time records and declaration, the Court finds the hours expended on the case, and the hourly rates charged, are reasonable.”). On September 4, 2020, **Judge Robert Pitman** adopted Magistrate Judge Susan

⁷ <https://www.officialdata.org/Legal-services/price-inflation/2019-to-2021?amount=450>

⁸ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=400>

Hightower's report and recommendation that fees be awarded on that rate. *See id.* (Doc. 39) at p. 2 ("the Court accepts and adopts the report and recommendation as its own order."). On May 13, 2020, Judge Sam Sparks ruled Mr. Willett's requested fees were reasonable in an Austin FLSA case. *See Raya v. Yocham*, No. 1:17-cv-00820 (Doc. 33) at p. 5 (W.D. Tex. Austin) ("The Court also concludes Mr. Willett has shown the rates he charged is appropriate for the Austin, Texas community and is in line with fees awarded by judges in this District under similar circumstances."). The requested rate ruled reasonable was \$405.00 per hour. *See id.* Plaintiff's Motion for Default Judgment Against Defendant Howard Yocham and Capitol Area Resources Corp. (Doc. 28) at p. 13 ("Willett's declaration sets forth the market rates in the Austin area, as well as the credentials, experience, and expertise of each attorney whose work is the basis of Plaintiffs' motion for attorney fees. (Ex. C, ¶ 3). The recorded lodestar includes 17.2 hours at the rate of \$405 per hour for attorney Christopher Willett, for a total of \$6,966.00."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (a \$6.22 difference).⁹ Adjusted *only* for such inflation from the year of these rulings (2020) to the end of 2021, that \$405.00 hourly rate for Mr. Willett is \$411.22.

* **Kristen Elizondo (class of '07):** Ms. Elizondo works in San Antonio. Her online biography notes that prior to joining her current law firm, her practice "focused on general civil defense and employment litigation." On February 16, 2012, Judge Harry Lee Hudspeth awarded \$315 per hour for work she did in an Equal Pay Act case. *See Wojcik v. Ameripath San Antonio 5.01(A) Corp.*, No. SA-10-CA-335-H (Doc. 74) at p. (W.D. Tex. San Antonio) ("... , the Court finds that the following are reasonable amounts for the services of each professional: . . . Ms. Elizondo: 10.29 hours x \$315 per hour . . ."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (a \$73.61 difference).¹⁰ Adjusted *only* for such inflation from the year of Judge Hudspeth's fee award (2012) to the end of 2021, that \$315 hourly rate for Ms. Elizondo is \$388.61.

* **Eric Johnston (class of '05):** Mr. Johnston works in Austin. His online biography notes that he focuses his practice on "employment counseling and litigation" among other areas. On March 7, 2012, Magistrate Judge John Priomo issued a report and recommendation in a San Antonio wrongful discharge from employment case — recommending dismissal of the lawsuit as a frivolous one and for imposition of sanctions. *See Sladcik v. MK Marlow Co., LLC*, No. SA-

⁹ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=405>

¹⁰ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=315>

11-CA-529-FB (Doc. 26) at p. 10 (W.D. Tex. San Antonio) (“[T]his lawsuit should be dismissed with prejudice. Also, as sanctions under Rule 11, plaintiff should be ordered to pay to defendants the attorneys fees they incurred as a result of defending this suit. Within the 14-day time period for responding to this Memorandum and Recommendation, defendants should file an Advisory establishing, by affidavit and other proof, the amount of attorneys’ fees to which they are entitled.”). Defendants filed an “Advisory to the Court Regarding Attorneys’ Fees.” *See id.* (Doc. 30). With that filing, Defendants submitted unredacted fee bills and the Affidavit of Michael Shaunessy — noting hourly rates for attorneys involved. *See id.* (Docs. 30-1) at p. 3, ¶ 5 (“The rates charged by Sedgwick firm in association with this case are as follows: the hourly rate for partners is between \$390 and \$430; the hourly rate for associates is \$310;”); *see also id.* (Doc. 30-5) (billing statements). As only one other partner—and one associate—are mentioned in the affidavit, it is assumed that Mr. Shaunessy’s rate was \$430, his less-experienced partner Maria Karos was \$390, and his associate Eric Johnston was \$310. On March 29, 2012, Judge Fred Biery adopted the report and recommendation granting the request for fees. *See id.* (Doc. 32). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (a \$72.44 difference).¹¹ Adjusted *only* for such inflation from the year of this billing and court determinations (2012) to the end of 2021, that \$310 hourly rate for Mr. Johnston is \$382.44.

* **Stephanie S. Rojo (class of ’03):** Ms. Rojo works in Austin. Her online biography states that she “represents employers and their leadership in discrimination and retaliation lawsuits and charges of discrimination, wage claims, suits for breach of contract and various employment-related torts, and suits for violation of state and federal statutes, such as the FLSA, the FMLA, WARN, and the Texas workers’ compensation retaliation statute.” On February 7, 2018, she sought fees as sanctions in an Austin Equal Pay Act and alleged employment discrimination case involving a pro se plaintiff. *See Phillips v. Austin Diagnostic Clinic Surgery Center*, No. 1:17-cv-00940 (Doc. 18) (W.D. Tex. Austin) (Defendant Austin Diagnostic’s Brief in Support of Motion for Attorneys’ Fees Pursuant to Local Rule CV-7). The rate Ms. Rojo sought was \$350.00 per hour for work listed on a firm invoice attached to her affidavit—a rate she testified her client actually incurred in 2017. *See id.* (Doc. 18-2) at p. 7 (Invoice dated February 7, 2018: “Stephanie Rojo Partner 14.30 hours 350”); *id.* (Doc. 18-1) at pp. 2–3, ¶ 7 and p. 4, ¶ 12 (Affidavit of Stephanie S. Rojo) (“I began representing Austin Diagnostic in this case on or around February 2017, and a reasonable billing rate for a counsel with my experience is \$350 per hour in this case. . . . In my opinion, these attorneys’ fees incurred and to be incurred by Austin Diagnostic are reasonable, customary, and necessary when judged by the standards for fees and related expenses in the State of Texas.”). Judge Sam Sparks, however, limited the fees

¹¹ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=310>

awarded to ten hours and assigned an associate rate of \$250.00 per hour. *See id.* (Doc. 21) at p. 5 (Order of March 1, 2018: “Given the minimal amount of work necessary to defend this lawsuit, the Court estimates approximately ten hours of work were required to draft Austin Diagnostic’s seven-page motion to dismiss. The Court adopts the reasonable hourly rate provided by Austin Diagnostic for an associate lawyer, \$250 per hour.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 8.08% higher in 2021 versus 2017 (a \$28.28 difference from the rate *incurred*).¹² Adjusted *only* for such inflation from the year of this incurred billing (2017) to the end of 2021, that \$350.00 hourly rate for Ms. Rojo is \$378.28.

* **Adam D. Boland (class of ’04)**: Mr. Boland works in San Antonio. His online biography states that he “focuses his practice representing employers in all aspects of employment law.” In 2010, he testified that his hourly rate for work in defending a San Antonio FLSA case was \$290 per hour. *See Borzello v. Texas Shine, Inc.*, No. SA-cv-0026-XR (Doc. 13-7) at p. 2, ¶¶ 4-5 (W.D. Tex. San Antonio) (Affidavit of Adam D. Boland: “I am an attorney of record for Defendant Texas Shine, Inc. (TSI). . . . My hourly rate on this matter is \$290 an hour.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 29.93% higher in 2021 versus 2010 (a \$86.81 difference).¹³ Adjusted *only* for such inflation from the year of this billing (2010) to the end of 2021, that \$290 hourly rate for Mr. Boland is \$376.81.

* **Emily Frost (class of ’02)**: Ms. Frost works in Austin. Her online biography notes that she “helps employers and employees resolve their employment disputes so everyone can get back to work.” On July 9, 2021, **Judge James R. Nowlin** ruled that her rate of \$375 per hour for work done prosecuting an Austin FLSA case was appropriate in the community. *See Menefee v. N-Title, LLC*, No. A-19-CV-00737-JRN (Doc. 64) at p. 20 (W.D. Tex. Austin) (“Plaintiff submits an affidavit from Emily Frost. Ms. Frost’s affidavit states her rate during this case was \$325 per hour until 2021 when it increased to \$375 per hour, that she has practiced law since 2002, and that she is Board Certified in Labor and Employment Law. . . . The Court finds that the hourly rates charged in this case are appropriate hourly rates in the community for this type of work.”).

* **Mauro Ramirez (class of ’07)**: Mr. Ramirez works in Houston. His online biography notes that he “represents individuals who have been denied their rights in the workplace.” On September 20, 2011, **Judge Philip R. Martinez**

¹² <https://www.officialdata.org/Legal-services/price-inflation/2017-to-2021?amount=350>

¹³ <https://www.officialdata.org/Legal-services/price-inflation/2010-to-2021?amount=290>

granted fees as a sanction for work in an El Paso employment discrimination and retaliation case. *See Santana v. Bergelectric Corp.*, No. EP-CV-281-PRM (Doc. 24) at p. 5 (W.D. Tex. El Paso) (“the Court is of the opinion that one hour’s preparation is appropriate; therefore reasonable expense for preparation is \$290.”). This was the rate Mr. Ramirez’s law firm requested for Mr. Ramirez’s time. *See id.* (Doc. 18) at p. 4 (“Defendant’s Submission of Fees and Costs Associated with the Status Conference of August 31, 2011”) (using \$290 per hour as rate and stating: “I further certify that the hourly rate noted hereinabove reflects the actual rate charged to the client; and that it reflects the usual and customary rate billed by me to Bergelectric on this case.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 25.87% higher in 2021 versus 2011 (a \$75.03 difference).¹⁴ Adjusted *only* for such inflation from the year of Judge Martinez’s ruling (2011) to the end of 2021, that \$290.00 hourly rate for Ms. Ramirez is \$365.03.

* **Gregory Placzek (class of ’09)**: Mr. Placzek presently works in Arkansas but previously worked in San Antonio. His online biography notes that he “has represented thousands of employees in his career as an employment attorney.” On August 23, 2019, **Judge Royce C. Lamberth** granted fees requested for his work in a San Antonio employment discrimination and retaliation case. *See Johnson v. Southwest Research Institute*, No. 5:15-cv-297 (Doc. 176) at p. 17 (W.D. Tex. San Antonio) (“To review: Southwest Research must pay Johnson \$535,609.47 in fees and costs, plus 2.324% interest beginning on May 23, 2019 and compounded annually[.]”). The fees request was based on the rate of \$350.00 per hour. *See id.* Declaration Under Penalty of Perjury of Colin W. Walsh (Doc. 152-1) at p. 7, ¶ 15 (“His rate now in the San Antonio market, based on the qualifications he possessed when he charged time in this matter, would be \$395/hour, but the firm has elected in this motion to seek fees for his time at \$350/hour, which is a reasonable rate.”); *see also id.* Plaintiff’s Supplemental Motion for Reasonable Attorneys’ Fees and Costs (Doc. 171) at p. 3 (seeking “Post-judgment interest on \$536,430.77 (the combined award of fees and costs)”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 2.64% higher in 2021 versus 2019 (an \$9.24 difference).¹⁵ Adjusted *only* for such inflation from the year of Judge Lamberth’s ruling (2019) to the end of 2021, that \$350.00 hourly rate for Mr. Placzek is \$359.24.

* **Vanessa Kinney (class of ’07)**: Ms. Kinney works in Little Rock, Arkansas but her law firm keeps an office in San Antonio. Her online biography notes that she “focuses her practice primarily in the area of employment law.” On

¹⁴ <https://www.officialdata.org/Legal-services/price-inflation/2017-to-2021?amount=350>

¹⁵ <https://www.officialdata.org/Legal-services/price-inflation/2019-to-2021?amount=350>

August 14, 2019, **Judge Royce C. Lamberth** awarded Ms. Kinney’s law firm fees for work in a San Antonio FLSA case. *See Moore v. Performance Pressure Pumping Servs., LLC*, No. 5:15-cv-432-RC (Doc. 174) at p. 1 (W.D. Tex. San Antonio) (“The Court finds that the Plaintiffs should be awarded fees based on the lodestar amount requested by Plaintiffs. The fees charged by Plaintiffs’ counsel are reasonable and consistent with fees customarily charged by attorneys of similar skill, experience and reputation in the area of San Antonio, Texas”). That award was premised, in part, on Ms. Kinney’s rate of \$350.00 per hour. *See id.* (Doc. 168-1) at p. 5, ¶ 16 (Declaration of Attorney Josh Sanford filed as an attachment to Plaintiffs’ Motion for Award of Attorneys’ Fees and Costs (Doc. 168)) (listing rate: “Kinney, V. \$350.00.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 2.64% higher in 2021 versus 2019 (a \$9.24 difference).¹⁶ Adjusted *only* for such inflation from the year of Judge Lamberth’s finding (2019) to the end of 2021, that \$350.00 hourly rate for Ms. Kinney is \$359.24.

* **Kerry O’Brien (class of ’02)**: Mr. O’Brien works in Austin. His online biography notes that his law firm “is dedicated to helping Texas employees.” On April 25, 2014, **Judge Sam Sparks** ruled that the requested rate of \$300 per hour for Mr. O’Brien’s work in an Austin FLSA case was reasonable. *See Rivera v. Eloy Herrera*, No. A-12-CA-1080-SS (Doc. 35) at p. 2 (W.D. Tex. Austin) (“Rivera’s counsel represents he spent 16.3 hours on this case, and his legal assistant spent 0.9 hours on the case. Their respective hourly rates are \$300 and \$125. The Court finds these amounts to be reasonable, and awards the lodestar figure of \$5,002.50.”); *id.* (Doc. 31) at p. 5 (“Plaintiff’s Motion for Attorney’s Fees”) (“Therefore, in accordance with the evidence, the Court is requested to award attorney fees . . . , which includes 16.3 hours by Kerry O’Brien multiplied by \$300 / hour . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 17.55% higher in 2021 versus 2014 (an \$52.64 difference).¹⁷ Adjusted *only* for such inflation from the year of Judge Sparks’s ruling (2014) to the end of 2021, that \$300.00 hourly rate for Mr. O’Brien is \$352.64.

* **Meredith Black-Matthews (class of ’06)**: Ms. Black-Matthews works in Dallas. Her online biography states that she handles wage and hour cases. On December 8, 2015, **Judge David Alan Ezra** ruled that \$300.00 per hour was a reasonable rate for Ms. Black-Matthews’s work in an Austin FLSA case. *See Rodriguez v. Mechanical Tech. Servs., Inc.*, No. 1:12-cv-00710 (Doc. 175) (W.D. Tex. Austin) (“Accordingly, the Court finds the following rates to be

¹⁶ <https://www.officialdata.org/Legal-services/price-inflation/2019-to-2021?amount=350>

¹⁷ <https://www.officialdata.org/Legal-services/price-inflation/2014-to-2021?amount=300>

reasonable and customary for this type of litigation . . . Meredith Matthews . . . \$300[.]”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015 (a \$47.12 difference).¹⁸ Adjusted *only* for such inflation from the year of Judge Ezra’s ruling (2015) to the end of 2021, that \$300.00 hourly rate for Ms. Black-Matthews is \$347.12.

* **Carmen Artaza (class of ’06)**: Ms. Artaza works in Dallas and her online biography notes that she has “practiced employment law exclusively since graduating law school in 2006.” On July 5, 2012, **Judge Lee Yeakel** awarded \$275 per hour for work Ms. Artaza did in an Austin FLSA case. *See Flowers v. Interra Hydro, Inc.*, No. 1:11-CV-421-LY (Doc. 35) at p. 3 (W.D. Tex. Austin) (“Thus, Flowers’s rates of \$275 per-hour for associates Artaza and . . . are sustained.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 23.37% higher in 2021 versus 2012 (an \$64.26 difference).¹⁹ Adjusted *only* for such inflation from the date of Judge Yeakel’s award (2012) to the end of 2021, that \$275 hourly rate for Ms. Artaza is \$339.26.

* **Aaron Johnson (class of ’08)**: Mr. Johnson works in Austin where he represents low-income workers. On June 13, 2016, **Judge Robert Pitman** granted fees at the rates requested in a San Antonio FLSA case. *See Mohammadi v. Nwabuisi*, No. 5:12-cv-00042 (Doc. 148) at p. 9 (W.D. Tex. San Antonio) (“In light of these precedents, the Court concludes rates requested by Plaintiff and used in her lodestar calculation are reasonable and appropriate given the prevailing rates in the local legal market.”). The hourly rate requested for Mr. Johnson’s work was \$300.00. *See id.* Plaintiff’s Third Motion for Attorney’s Fees and Costs (Doc. 136) at p. 5 (“In this motion, Plaintiff’s Counsel seeks the following rates in order to account for attorney tenure and current legal market conditions: Mr. Moss at \$280/hour, Mr. Johnson at \$300/hour . . .”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016 (a \$35.79 difference).²⁰ Adjusted *only* for such inflation from the year of Judge Pitman’s ruling (2016) to the end of 2021, that \$300.00 hourly rate for Mr. Johnson is \$335.79.

¹⁸ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=300>

¹⁹ <https://www.officialdata.org/Legal-services/price-inflation/2012-to-2021?amount=275>

²⁰ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=300>

* **Manuel Quinto-Pozos (class of '07)**: Mr. Quinto-Pozos works in Austin. His online biography states that he “practices employee-side labor and employment law, and focuses on claims including employment discrimination, harassment, retaliation, wage and overtime, and union representation.” On April 29, 2016, **Judge Karin Crump** awarded fees for work done in an Austin employment discrimination and retaliation case. *See Vigil v. City of Austin, Texas*, Cause No. D-1-GN-13-001742 (200th Judicial District Court for Travis County, Texas) (Final Judgment at p. 4) (“Based upon the evidence presented to the Court, and the arguments of counsel, Plaintiff’s motion for reasonable attorneys’ fees and costs is hereby granted.”). The fees requested and granted used an hourly rate of \$300.00 for Mr. Quinto-Pozos’s work. *See id.* (Plaintiff’s Motion for Entry of Judgment & Award of Attorneys’ Fees) at p. 3. According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016 (a \$35.79 difference).²¹ Adjusted *only* for such inflation from the year of Judge Crump’s ruling (2016) to the end of 2021, that \$300.00 hourly rate for Mr. Quinto-Pozos is \$335.79.

* **Matt Bachop (class of '06)**: Mr. Bachop works in Austin. His online biography notes that his practice areas include employment law. On April 29, 2016, **Judge Karin Crump** awarded fees for work done in an Austin employment discrimination and retaliation case. *See Vigil v. City of Austin, Texas*, Cause No. D-1-GN-13-001742 (200th Judicial District Court for Travis County, Texas) (Final Judgment at p. 4) (“Based upon the evidence presented to the Court, and the arguments of counsel, Plaintiff’s motion for reasonable attorneys’ fees and costs is hereby granted.”). The fees requested and granted used an hourly rate of \$300.00 for Mr. Bachop’s work. *See id.* (Plaintiff’s Motion for Entry of Judgment & Award of Attorneys’ Fees) at p. 3. According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016 (a \$35.79 difference).²² Adjusted *only* for such inflation from the year of Judge Crump’s ruling to the end of 2021, that \$300.00 hourly rate for Mr. Bachop is \$335.79.

* **Alexander M. Baggio (class of '09)**: Mr. Baggio’s online biography states that he “has worked on class and collective actions across the country, including those involving Rule 23 and the Fair Labor Standards Act (FLSA), as well as claims arising from employment contracts.” Mr. Baggio is based in Minneapolis. On November 10, 2015, **Judge Sam Sparks** determined \$275.00 was a reasonable hourly rate for work Mr. Baggio did in an Austin FLSA case. *See Clark v. Centene Corp.*, No. 1:12-cv-00174-SS (Doc. 180) at p. 16 (W.D. Tex. Austin)

²¹ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=300>

²² <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=300>

(“Centene does not raise any specific objection to the hourly rate of \$275 claimed by Alexander Baggio, and the Court finds it reasonable for the same reasons.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015 (a \$43.20 difference).²³ Adjusted *only* for such inflation from the year of Judge Sparks’s finding (2015) to the end of 2021, that \$275.00 hourly rate for Mr. Baggio is \$318.20.

²³ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=275>

Classes of the 2010s



14

lawyers listed

\$351.83

average rate

\$319.16

median rate



Classes of the 2010s: The Rates



\$600.44*

Colin W.
Walsh
(JD 2011)



\$335.79*

John
Neuman
(JD 2012)



\$293.87*

Michael L.
Parsons
(JD 2011)



\$440.00*

Andrew
Vickers
(JD 2012)



\$324.91*

Alicia M.
Grant
(JD 2016)



\$282.26*

Allison
Hartry
(JD 2012)



\$414.55*

Corey E.
Tanner
(JD 2011)



\$313.40*

Phillip J.
Moss
(JD 2010)



\$270.20*

Collin
Wynne
(JD 2010)



\$405.43*

Jairo N.
Castellanos
(JD 2015)



\$310.91*

Melinda
Arbuckle
(JD 2011)



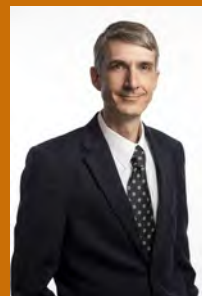
\$260.34*

Jay
Forester
(JD 2013)



\$365.53*

Caitlin
Boehne
(JD 2012)



\$307.92*

Steve
Rauls
(JD 2011)

Classes of the 2010s: The Work



* **Colin W. Walsh (class of '11)**: Mr. Walsh works in Austin. His online biography states that his “practice focuses on representing workers against employers in cases involving discrimination, retaliation, unpaid wages, unpaid overtime, contract disputes, and whistleblowing actions.” On August 23, 2019, **Judge Royce C. Lamberth** granted fees requested for Mr. Walsh’s work in a San Antonio employment discrimination and retaliation case. *See Johnson v. Southwest Research Institute*, No. 5:15-cv-297 (Doc. 176) at pp 14–15, 17 (W.D. Tex. San Antonio) (“For these efforts, Johnson’s attorneys charge rates from \$125 to \$585 depending on the particular lawyer’s experience, reputation, and ability; the weighted average hourly rate is roughly \$445 . . . To support these rates’ reasonableness, Walsh provides an affidavit from a disinterested fee-paying San Antonio client acknowledging he currently pays Walsh \$585 hourly to litigate federal employment matters in San Antonio. . . . Southwest Research argues those rates are too high, citing the Texas state bar’s four-year-old survey listing a \$258 median hourly rate for San Antonio employment lawyers and a \$250 median hourly rate for small San Antonio law firms, and noting only 5.1% of attorneys bill over \$500 hourly. . . . Whatever probative value this survey has, it does not erode the evidence supporting the rates’ reasonableness, particularly since other judges in this district have approved much higher hourly rates for less complicated cases . . . To review: Southwest Research must pay Johnson \$535,609.47 in fees and costs, . . .”). The fees request was based, in part, on Mr. Walsh’s stated rate of \$585.00 per hour. *See id.* (Doc. 152-1) at p. 6, ¶ 12 (Declaration Under Penalty of Perjury of Colin W. Walsh: “My current hourly rate—a rate that clients pay me when they choose representation on an hourly basis rather than on a contingency fee basis—is \$585/hour. I charge and receive this rate in the Austin market (where I office) *and* in the San Antonio market (where I frequently have clients).”); *see also id.* (Doc. 171) at p. 3 (Plaintiff’s Supplemental Motion for Reasonable Attorneys’ Fees and Costs seeking “Post-judgment interest on \$536,430.77 (the combined award of fees and costs)”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 2.64% higher in 2021 versus 2019 (a \$15.44 difference).¹ Adjusted *only* for such inflation from the year

¹ <https://www.officialdata.org/Legal-services/price-inflation/2019-to-2021?amount=585>

of Judge Lamberth's fee award (2019) to the end of 2021, that \$585.00 hourly rate for Mr. Walsh is \$600.44.

* **Andrew Vickers (class of '12)**: Mr. Vickers works in Austin. His online biography states that his experience includes labor and employment matters. In 2021, he billed for work at the hourly rate of \$440 in an Austin employment case involving claims of wrongful employment termination and defamation. *See* Second Supplemental Declaration of Andrew Vickers, filed in *Lanham v. AWR Servs., Inc.*, No. D-1-GN-20-003923 (419th Judicial District Court for Travis County, Texas) (filed April 8, 2021) at p. 2, ¶ 4 ("By agreement with our client, the current hourly billing rate for services performed from January 1, 2021 through March 11, 2020 for this matter is \$440 for me (a partner), \$790 for Eric Taube (a partner), and \$205 for Ann Marie Jezisek and Kristen Warner (paralegals). I am familiar with rates charges by attorneys in Texas for litigation matters and these rates are reasonable when compared to customary rates in Texas for lawsuits such as this one.").

* **Corey E. Tanner (class of '11)**: Ms. Tanner works in Austin and her online biography notes that her practice areas include labor and employment law. On December 18, 2020, in a Dallas case involving allegations of race discrimination in employment, there was testimony stating her standard hourly rate in 2018 and 2019 was approximately \$400.00 per hour. *See Ibarra v. Jacobs Eng. Group, Inc.*, No. 3:19-cv-01437-C (Doc. 41-1) at p. 12, ¶ 21 (N.D. Tex. Dallas) (Declaration of John M. Barcus: "Prior to my involvement in the lawsuit, Corey E. Tanner, an associate in the Firm's Austin office who became licensed to practice law in Texas in 2011, performed the majority of the work on the case. Her standard rate for 2018 and 2019 was approximately \$400."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018 (a \$14.55 difference).² Adjusted *only* for such inflation from the year of this stated rate in 2018 to the end of 2021, that \$400.00 hourly rate for Ms. Tanner is \$414.55.

* **Jairo N. Castellanos (class of '15)**: Mr. Castellanos works in Austin. His online biography states that his "practice focuses on representing employees, both private and public, against employers in discrimination cases." On August 23, 2019, **Judge Royce C. Lamberth** granted fees requested for Mr. Castellanos's work in a San Antonio employment discrimination and retaliation case. *See Johnson v. Southwest Research Institute*, No. 5:15-cv-297 (Doc. 176) at p. 17

² <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=400>

(W.D. Tex. San Antonio) (“To review: Southwest Research must pay Johnson \$535,609.47 in fees and costs, plus 2.324% interest beginning on May 23, 2019 and compounded annually[.]”). The fees request was based, in part, on Mr. Castellanos’s stated rate of \$395.00 per hour. *See id.* (Doc. 152-1) at p. 6, ¶ 14 (Declaration Under Penalty of Perjury of Colin W. Walsh: “The firm’s current (since January 2017) rate for associate Jairo N. Castellanos is \$395/hour. This is the rate the firm charges and receives for Mr. Castellanos’s time in the San Antonio market.”); *see also id.* (Doc. 171) at p. 3 (Plaintiff’s Supplemental Motion for Reasonable Attorneys’ Fees and Costs seeking “Post-judgment interest on \$536,430.77 (the combined award of fees and costs)”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 2.64% higher in 2021 versus 2019 (a \$10.43 difference).³ Adjusted *only* for such inflation from the year of Judge Lamberth’s award (2019) to the end of 2021, that \$395.00 hourly rate for Mr. Castellanos is \$405.43.

* **Caitlin Boehne (class of ’12)**: Ms. Boehne works in Austin. Her online biography notes that she litigates unpaid wage claims for low-income workers. On August 10, 2020, **Magistrate Judge Susan Hightower** ruled that \$360.00 per hour was a reasonable rate for Ms. Boehne’s work in an Austin FLSA case. *See Barrientos v. Mikatsuki Int’l, Inc.*, No. 1:18-CV-00934-RP (Doc. 38) at p. 10, 2020 WL 4581883 (W.D. Tex. Austin) (noting time records “14.7 hours of work by licensed attorney Caitlin Boehne at a rate of \$360 per hour (totaling \$5,112, after write-offs and reductions) . . .” and ruling “After carefully reviewing the time records and declaration, the Court finds the hours expended on the case, and the hourly rates charged, are reasonable.”). On September 4, 2020, **Judge Robert Pitman** adopted Magistrate Judge Susan Hightower’s report and recommendation that fees be awarded on that rate. *See id.* (Doc. 39). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (a \$5.53 difference).⁴ Adjusted *only* for such inflation from the year of these court rulings (2020) to the end of 2021, that \$360.00 hourly rate for Ms. Boehne is \$365.53.

* **John Neuman (class of ’12)**: Ms. Neuman works in Houston. His online biography notes that the “primary focus of John’s practice is the recovery of unpaid wages.” On January 8, 2016, **Judge Robert Pitman** awarded fees in a San Antonio FLSA case. *See Sifuentes v. Green Energy Oilfield Servs., LLC*, No. 5:15-CV-752 RP (Doc. 21) (W.D. Tex. San Antonio) (“Plaintiff is awarded \$17,714 as reasonable attorneys’ fees and costs.”). Those fees were based, in part, on Mr.

³ <https://www.officialdata.org/Legal-services/price-inflation/2019-to-2021?amount=395>

⁴ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=360>

Neuman’s rate of \$300 per hour. *See id.* (Doc. 19) at p. 2 (motion for fees and costs) (“Plaintiff asserts (and Defendant is not disputing) that the Plaintiff’s reasonable attorney’s fees and costs are \$17,714.00. Included in this amount are the following: . . . 27.4 hours for John Neuman, associate, at the rate of \$300 per hour;”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016 (a \$35.79 difference).⁵ Adjusted *only* for such inflation from the year of Judge Pitman’s fee award (2016) to the end of 2021, that \$300.00 hourly rate for Mr. Neuman is \$335.79.

* **Alicia M. Grant (class of ’16):** Ms. Grant works in San Antonio. Her online biography states that her “practice focuses on all aspects of product liability actions, mass torts, and complex commercial litigation in state and federal courts, including class actions and multi-district litigation.” In 2020, her law firm billed her work in a San Antonio employment termination case to a client at the hourly rate of \$320.00. *See Yadav v. Frost Bank*, No. 5:20-CV-00005-FB-ESC (Doc. 42-4) at p. 2, ¶¶ 2 & 4 (W.D. Tex. San Antonio) (Affidavit of Mario A. Barrera: “I am counsel of record for Defendant Frost Bank (“Frost”) in the above-referenced lawsuit. I am a Partner at Norton Rose Fulbright US LLP (“NRF”). . . . Frost has agreed to compensate NRF for the firm’s work on this lawsuit based on an hourly fee. . . . Alicia M. Grant, Associate at NRF, has spent 2.4 hours reviewing cases and the hearing transcript and preparing the Motion. Ms. Grant’s hourly rate is \$320.”). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 1.53% higher in 2021 versus 2020 (a \$4.91 difference).⁶ Adjusted *only* for such inflation from the year of this billing (2020) to the end of 2021, that \$320 hourly rate for Ms. Grant is \$324.91.

* **Philip J. Moss (class of ’10):** Mr. Moss currently works in San Antonio for the United States Equal Employment Opportunity Commission—and previously worked in San Antonio for the Equal Justice Center, where he represented low-wage earners in employment matters. On June 13, 2016, **Judge Robert Pitman** granted fees at the rates requested in a San Antonio FLSA case. *See Mohammadi v. Nwabuisi*, No. 5:12-cv-00042 (Doc. 148) at p. 9 (W.D. Tex. San Antonio) (“In light of these precedents, the Court concludes rates requested by Plaintiff and used in her lodestar calculation are reasonable and appropriate given the prevailing rates in the local legal market.”). The hourly rate requested for Mr. Moss’s work was \$280.00. *See id.* (Doc. 136) at p. 5 (Plaintiff’s Third Motion for

⁵ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=300>

⁶ <https://www.officialdata.org/Legal-services/price-inflation/2020-to-2021?amount=320>

Attorney's Fees and Costs) ("In this motion, Plaintiff's Counsel seeks the following rates in order to account for attorney tenure and current legal market conditions: Mr. Moss at \$280/hour, Mr. Johnson at \$300/hour[.] . . ."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 11.93% higher in 2021 versus 2016 (a \$33.40 difference).⁷ Adjusted *only* for such inflation from the year of Judge Pitman's ruling on rates (2016) to the end of 2021, that \$280 hourly rate for Mr. Moss is \$313.40.

* **Melinda Arbuckle (class of '11):** Ms. Arbuckle works in Dallas. Her online biography states that she "represents workers who have not received all of the pay they were owed by their employers." On September 20, 2018, **Judge Alia Moses** ruled that a reasonable hourly rate for her work in a Del Rio FLSA case was \$300 per hour. *See Cruz v. Maverick County*, No. DR-14-CV-050-AM (Doc. 115) at p. 8 (W.D. Tex. Del Rio) ("Based on all of these factors, the Court finds that the lodestar amount for both Mr. Levy and Ms. Arbuckle should be adjusted downward. The Court finds that a reasonable hourly fee for both attorneys is \$300 per hour."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 3.64% higher in 2021 versus 2018 (a \$10.91 difference).⁸ Adjusted *only* for such inflation from the year of Judge Moses's finding (2018) to the end of 2021, that \$300 hourly rate for Ms. Arbuckle is \$310.91.

* **Steve Rauls (class of '11):** Mr. Rauls works in Little Rock, Arkansas but his law firm keeps an office in San Antonio. His online biography notes that he "primarily represents employees who have been denied their full pay." On August 14, 2019, **Judge Royce C. Lamberth** awarded Mr Rauls's law firm fees for work in a San Antonio FLSA case. *See Moore v. Performance Pressure Pumping Servs., LLC*, No. 5:15-cv-432-RC (Doc. 174) at p. 1 (W.D. Tex. San Antonio) ("The Court finds that the Plaintiffs should be awarded fees based on the lodestar amount requested by Plaintiffs. The fees charged by Plaintiffs' counsel are reasonable and consistent with fees customarily charged by attorneys of similar skill, experience and reputation in the area of San Antonio, Texas"). That award was premised, in part, on the requested rate of \$300 per hour for Mr. Rauls's time. *See id.* (Doc. 168-1) at p. 5, ¶ 16 (Declaration of Attorney Josh Sanford filed as an attachment to Plaintiffs' Motion for Award of Attorneys' Fees and Costs (Doc. 168)) (listing rate: "Rauls, S. \$300.00."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices

⁷ <https://www.officialdata.org/Legal-services/price-inflation/2016-to-2021?amount=280>

⁸ <https://www.officialdata.org/Legal-services/price-inflation/2018-to-2021?amount=300>

for legal services are 2.64% higher in 2021 versus 2019 (a \$7.92 difference).⁹ Adjusted *only* for such inflation from the year of Judge Lamberth's fee award (2019) to the end of 2021, that \$300.00 hourly rate for Mr. Rauls is \$307.92.

* **Michael L. Parsons (class of '11)**: Mr. Parsons works in Austin. On October 8, 2014, Judge Xavier Rodriguez ruled \$250.00 per hour was a reasonable rate for Mr. Parson's work in a San Antonio FLSA case. *See Meesook v. Grey Canyon Family Medicine, P.A.*, No. 5:13-cv-729-XR (Doc. 39), 2014 WL 5040133 (W.D. Tex. San Antonio) ("Plaintiff asserts that . . . \$250/hour is appropriate for Michael Parsons. . . . Based on the affidavits and evidence submitted by Plaintiffs attorneys, the Court finds that the requested rates are reasonable."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 17.55% higher in 2021 versus 2014 (a \$43.87 difference).¹⁰ Adjusted *only* for such inflation from the year of Judge Rodriguez's fee award (2014) to the end of 2021, that \$250 hourly rate for Mr. Parsons is \$293.87.

* **Allison Hartry (class of '12)**: Ms. Hartry works in San Antonio. Her online biography notes that she focuses her practice on labor and employment law. On March 19, 2019, Judge David Briones granted Ms. Hartry's law firm's request for attorneys' fees in an El Paso FLSA case. *See Bally v. Dreams Cabaret, LLC*, No. EP-CV-30-DB (Doc. 93) at p. 1 (W.D. Tex. El Paso) ("Plaintiffs ask the Court to award them \$111,084.50 in attorney's fees and enter a final judgment in this case. After due consideration, the Court is of the opinion that Plaintiffs' Motion should be granted."). This amount of fees granted was based, in part, on Ms. Hartry's requested rate of \$275 per hour. *See id.* (Doc. 92) at pp. 6, 7 & 9 (Plaintiffs' Motion for Attorneys' Fees and Costs and for Entry of Final Judgment: "Based on the lodestar analysis, Plaintiffs seek \$111,084.50 in attorneys' fees . . . Mr. Morales and Ms. Hartry performed all attorney work on this case. . . . Ms. Hartry's standard billing rate of \$275.00 per hour is reasonable. . . . During the time period most of the attorney's fees were incurred litigating this case, Ms. Hartry charged clients, and clients paid her, an hourly rate of \$275.00."). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 2.64% higher in 2021 versus 2019 (a \$7.26 difference).¹¹ Adjusted *only* for such inflation from the year of Judge

⁹ <https://www.officialdata.org/Legal-services/price-inflation/2019-to-2021?amount=300>

¹⁰ <https://www.officialdata.org/Legal-services/price-inflation/2014-to-2021?amount=250>

¹¹ <https://www.officialdata.org/Legal-services/price-inflation/2019-to-2021?amount=275>

Briones's ruling to the end of 2021, that \$275.00 hourly rate for Ms. Hartry is \$282.26.

* **Collin Wynne (class of '10):** Mr. Wynne works in Amarillo. His online biography lists several practice areas, including labor and employment. On January 30, 2017, **Judge David Counts** determined that the requested rate of \$250.00 per hour was reasonable for work Mr. Wynne did in a Midland/Odessa FLSA case. *See Carley v. Crest Pumping Technologies, LLC*, No. 7:15-cv-00161 (Doc. 134) at p. 10 (W.D. Tex. Midland/Odessa) ("With these reductions, the Court determines the lodestar fee is \$160,932.18 in fees and costs as set forth below . . . Timekeeper . . . Rate . . . Collin Wynne . . . \$250.00"). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 8.08% higher in 2021 versus 2017 (a \$20.20 difference).¹² Adjusted *only* for such inflation from the year of Judge Counts's determination (2017) to the end of 2021, that \$250 hourly rate for Mr. Wynne is \$270.20.

* **Jay Forester (class of '13):** Mr. Forester works in Dallas. His online biography states that he oversees his law firm's "unpaid wages and overtime practice." On December 8, 2015, **Judge David Alan Ezra** ruled that \$225.00 per hour was a reasonable rate for Mr. Forester's work in an Austin FLSA case. *See Rodriguez v. Mechanical Tech. Servs., Inc.*, No. 1:12-cv-00710 (Doc. 175) (W.D. Tex. Austin) ("Accordingly, the Court finds the following rates to be reasonable and customary for this type of litigation . . . Jay Forester . . . \$225"). According to the Consumer Price Index for legal services as generated by the U.S. Bureau of Labor Statistics, the prices for legal services are 15.71% higher in 2021 versus 2015 (a \$35.34 difference).¹³ Adjusted *only* for such inflation from the year of Judge Ezra's ruling (2015) to the end of 2021, that \$225 hourly rate for Mr. Forester is \$260.34.

¹² <https://www.officialdata.org/Legal-services/price-inflation/2017-to-2021?amount=250>

¹³ <https://www.officialdata.org/Legal-services/price-inflation/2015-to-2021?amount=225>

Arbuckle Lodestar - Harrison v. Tyler

Date	Description	Hours	Rate	Fee
08/01/21	Initial case intake, initial strategy session with co-counsel	0.5	\$400.00	\$200.00
08/03/21	Review case research from MH re consents in single plaintiff cases	0.2	\$400.00	\$80.00
08/03/21	Review complaint for style/local rules issues	0.2	\$400.00	\$80.00
08/03/21	Review staff generated summons	0.1	\$400.00	\$40.00
08/03/21	Communicate with co-counsel re filings	0.2	\$400.00	\$80.00
08/03/21	Instruct staff re service	0.1	\$400.00	\$40.00
08/04/21	Review pro hac vice motions prior to filing	0.2	\$400.00	\$80.00
08/19/21	Review privileged client communication	0.2	\$400.00	\$80.00
08/26/21	Communicate with co-counsel re case status	0.1	\$400.00	\$40.00
09/16/21	Work on 26f Report	1.5	\$400.00	\$600.00
09/20/21	Case strategy discussion	0.5	\$400.00	\$200.00
09/27/21	Revise 26f Report	0.5	\$400.00	\$200.00
09/27/21	Email 26f Report to opposing counsel	0.1	\$400.00	\$40.00
09/27/21	Further emails re 26f report	0.2	\$400.00	\$80.00
10/07/21	Review various settlement emails between counsel	0.1	\$400.00	\$40.00
10/18/21	Review local rules re disclosures, communicate with co-counsel	0.3	\$400.00	\$120.00
10/18/21	Revise initial disclosures	0.6	\$400.00	\$240.00
10/18/21	Email co-counsel re local standards	0.1	\$400.00	\$40.00
12/02/21	Email co-counsel re mediator suggestions	0.2	\$400.00	\$80.00
01/04/22	Email regarding potential settlement	0.1	\$400.00	\$40.00
01/04/22	Review various settlement emails between counsel	0.1	\$400.00	\$40.00
01/04/22	Discuss scheduling order with co-counsel	0.2	\$400.00	\$80.00
01/11/22	Review offer of judgment	0.2	\$400.00	\$80.00
02/02/22	Confer with opposing counsel re cross briefing schedule	0.5	\$400.00	\$200.00
02/24/22	Discuss protective order with co-counsel	0.3	\$400.00	\$120.00
03/03/22	Work on 56d response	1.2	\$400.00	\$480.00
03/03/22	Discussions re protective order	0.2	\$400.00	\$80.00
04/20/22	Work on Motion for extension of time to complete discovery	0.2	\$400.00	\$80.00
04/28/22	Work on Motion to Compel	4.3	\$400.00	\$1,720.00
06/01/22	Various emails re discovery	0.2	\$400.00	\$80.00
06/15/22	Brief email with co-counsel re summary judgment	0.1	\$400.00	\$40.00
06/20/22	review email re JIRA tickets	0.1	\$400.00	\$40.00
07/12/22	Email from opposing counsel conferring re modify SO	0.1	\$400.00	\$40.00
07/21/22	Various emails re sampling JIRA tickets	0.1	\$400.00	\$40.00
07/22/22	Case strategy emails	0.2	\$400.00	\$80.00
08/17/22	emails with co-counsel re case strategy	0.2	\$400.00	\$80.00
08/26/22	Review and revise staff draft motion for extension	0.2	\$400.00	\$80.00
08/26/22	Email to co-counsel re local rules	0.1	\$400.00	\$40.00
08/26/22	Review email from opposing counsel re confer re MSJ response deadline	0.1	\$400.00	\$40.00
09/07/22	Revise Harrison Declaration	0.8	\$400.00	\$320.00
09/07/22	Work on MSJ response brief	1.5	\$400.00	\$600.00
09/08/22	Work on fixing Exhibit issue with MSJ response	0.1	\$400.00	\$40.00
09/21/22	Review various emails between counsel re conference on meet and confer	0.2	\$400.00	\$80.00
09/22/22	Review files, forward research to co-counsel, research re motion to strike	0.4	\$400.00	\$160.00
09/22/22	Email co-counsel re strategy re motion to strike	0.1	\$400.00	\$40.00
09/22/22	Email re local rules	0.1	\$400.00	\$40.00
10/04/22	Email with co-counsel re objection to motion to strike	0.2	\$400.00	\$80.00
10/06/22	Work on objections to mot to strike	0.5	\$400.00	\$200.00
11/02/22	Review MSJ order	0.4	\$400.00	\$160.00
11/04/22	Case status conference	0.5	\$400.00	\$200.00
11/04/22	Email re upcoming deadlines	0.1	\$400.00	\$40.00
01/09/23	Call with co-counsel re settlement	0.1	\$400.00	\$40.00
01/09/23	Work on declaration for fee brief	0.5	\$400.00	\$200.00
			Total:	\$8,040.00